

TO: Members of the Board

FROM: Bruce Steadman
Executive Director and Secretary

DATE: September 25, 2020

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – Dr. Robert Lucky, Vice-Chairman**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call – Bruce Steadman, Secretary**
4. **Approval of Previous Month’s Board Meeting Minutes**
5. **Welcome – Dr. Robert Lucky, Vice-Chairman**
6. **Secretary’s Report**
 - Appointment of Secretary and Treasurer of the Authority by Vice-Chairman Robert Lucky
 - Appointment of Audit Committee and Real Estate Committee Members by Vice-Chairman Robert Lucky
 - Staff Review of Executive Session Minutes
7. **Treasurer’s Report**
8. **Public Comment Regarding Board Action Items**
9. **Executive Director’s Report:**
 - Update on Utilities and Infrastructure
 - Update on Requests for Offers to Purchase (RFOTPs)
 - Update on Marketing Effort
 - Action Items for Next Month
10. **Committee Reports**
 - Audit Committee – Robert Lucky, Chairman
 - Real Estate Committee – Robert Lucky, Interim Chairman
 - Environmental Staff Advisory Committee – Kenneth J. Kloo, Chairman

- Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
- Housing Staff Advisory Committee – Sean Thompson, Chairman
- Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

1. Consideration of Approval of Organizational Matters
 - i. Assistant Secretaries of the Authority
 - ii. OPRA Records Custodian and Ethics Liaison
 - iii. Meeting Schedule for October 2020 – September 2021
2. Consideration of Approval of Staff Advisory Committee Membership.
3. Consideration of Approval of Authorization to Rollover Notes through the Monmouth County Improvement Authority in connection with FMERA’s Purchase of the Phase 2 Properties.
4. Consideration of Approval of a Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel.
5. Consideration of Approval of Transmittal to Host Municipalities of Proposed Plan Amendment #16 Permitting an Alternative Development Scenario with respect to Barker Circle and the Nurses Quarters in Oceanport.
6. Consideration of Approval of an Agreement with New Jersey American Water Company to install new water mains on the Main Post.
7. Consideration of Approval of the First Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & Parking Lot in Oceanport.

12. **Other Items**

13. **Public Comment Regarding any FMERA Business**

- Responses to questions submitted online or in writing

14. **Adjournment**

**Fort Monmouth Economic Revitalization Authority
Board Meeting
August 19, 2020
Via Teleconference**

MINUTES OF THE MEETING

Members of the Authority present via teleconference via a roll call vote:

- Robert W. Lucky – Vice-Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) – V
- Lillian Burry – Monmouth County Freeholder – V
- Jay Coffey – Mayor of Oceanport – V
- Anthony Talerico – Mayor of Eatontown – V
- Tracy Buckley – Tinton Falls Borough Council President – V
- Stephanie Brown – Associate Counsel, Authorities Unit, Office of the Governor – V
- Dave Nuse – Executive VP, Real Estate & Community Development, NJ Economic Development Authority – V
- Kenneth J. Kloo – Director, Site Remediation Program, NJ Department of Environmental Protection
- Sean Thompson – Director, Division of Local Planning Services, NJ Department of Community Affairs
- William Riviere, Principal Planner, NJ Department of Transportation

V – Denotes Voting Member

Members of the Authority not present:

- Baden Almonor – Central Regional Chief, NJ Department of Labor & Workforce Development

Also present:

- Bruce Steadman, FMERA Executive Director and Secretary
- Laura Draushak, Deputy Attorney General (DAG)
- FMERA staff:
 - Kara Kopach – Director of Real Estate Development
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Planning & Development Officer
 - Kristy Dantes – Director of Facilities & Infrastructure
 - Joe Fallon – Senior Environmental Officer
 - Jennifer Lepore – Accounting Manager

The meeting was called to order by Vice-Chairman Robert Lucky at 7:00p.m., who asked for a moment of silence for unity and safety in lieu of the Pledge of Allegiance to the Flag of the United States of America, given that we needed to meet remotely again.

Bruce Steadman explained the teleconference meeting protocol with regards to the Board and public's participation. He stated that due to the current worldwide health situation, and the need to curtail or eliminate in-person meetings, the FMERA Board meeting for August was being held remotely, with Board, staff, and the public participating via telephone. He stated that all Board votes would be roll-call votes, for the purpose of verifying the Board members' votes, including acceptance of the Minutes from the previous meeting. He noted that at the beginning of the Public Comment periods, he would ask members of the public who wished to make a comment or ask a question to state their name, and that he would call on each of them to make their comment or ask their question.

Mr. Steadman thanked the staff, Board members, and the public for their cooperation in accepting and following these modifications to the normal public meeting routine and noted that otherwise it was FMERA's intention to adhere to a normal meeting agenda.

Bruce Steadman announced that in accordance with the Open Public Meetings Act, notice of the meeting and notice of the change in the meeting to a teleconference was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, and that the meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA website.

The first item of business was the approval of the July 15th regular meeting minutes. A motion as made to approve the minutes by Tracy Buckley and seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Robert Lucky	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Lillian Burry abstained from voting stating that she was not at the July meeting.

Motion to Approve: TRACY BUCKLEY Second: JAY COFFEY
AYes: 6

WELCOME

Vice-Chairman Robert Lucky welcomed attendees to the Authority's teleconference meeting. Dr. Lucky stated that a copy of the Board package was posted to the FMERA website to give the public the opportunity to review the information in advance of the meeting. Dr. Lucky stated that the Board would consider three board actions this evening.

Dr. Lucky noted the protocol regarding the two opportunities for the public to address the Board, with the 3-minute limit for agenda items, and the 5-minute limit for all other FMERA business.

The Vice-Chairman continued by stating that in his role he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Vice-Chairman continued by stating that FMERA continues to welcome the public's constructive comments and ideas.

SECRETARY'S REPORT

Bruce Steadman stated that this August board meeting would be a remote teleconference meeting, similar to July's board meeting. He thanked all the participants and noted that it was likely that the September board meeting, which is FMERA's Annual Meeting, would also be a remote teleconference meeting. Mr. Steadman stated that the FMERA staff continues to work daily on FMERA business, albeit remotely, and are working on several projects which are still moving forward through reviews, negotiations, approvals, and other tasks.

TREASURER'S REPORT

Jennifer Lepore, Accounting Manager stated that FMERA staff and counsel have been in contact over the past few months with representatives of the County of Monmouth and the Monmouth County Improvement Authority regarding the issuance of subsequent notes relating to the financing of FMERA's 2016 purchase of the Phase 2 EDC properties from the Army. In 2016, the Monmouth County Board of Chosen Freeholders authorized a payment guaranty on the notes for five years. This will be the fifth and final year under the agreement. FMERA staff will be meeting with the Audit Committee in the coming weeks to discuss the note rollover and it is expected to request Board approval at the September meeting.

PUBLIC COMMENT REGARDING BOARD AGENDA ITEMS (3 minutes re: Agenda Items)

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

1. Kristy Dantes, Director of Facilities & Infrastructure gave the following update:

The facilities, environmental, and site-maintenance teams continue to maintain the Fort through the Covid-19 pandemic utilizing safe practices and health guidelines. Increased security, police patrols and building inspections continue.

The FMERA utility infrastructure maintained its integrity during tropical storms Fay and Isaias. Despite a JCP&L power outage the Fort power grid suffered only one blown fuse and one small utility pole fire caused by a shifting osprey nest in strong winds. Special thanks to the linemen dispatched by First Energy to repair the 40+ transmission lines in the area that were damaged by Isaias.

Our team is currently working on completing the following FOSTs and deeds with the Army:

- The Group 2 Deed, which includes 11 environmental carve-out parcels for a total of 17.7 acres, has been conveyed to FMERA.
- The Group 3 FOST, which includes 10 environmental carve-out parcels for a total of 9.3 acres, was signed by James Briggs, Chief of the Operation Branch, BRAC Division, on May 4, 2020. A copy of the document has been provided to FMERA.
- The Group 3 Deed has been signed and returned to the Army for execution.
- The Group 4 Deed is expected to be completed by December of this year.

The following is a status of the Outbound surveys:

- OPort Partners Parcels, which include the Commissary, Commissary parking, Warehouse and Post Office areas, is complete.
- Expo Theater is in process.
- Barker Circle is complete.
- Nurses Quarters is complete.
- Eatontown Parks parcel on Nicodemus Avenue will begin in the coming weeks.
- Sanger Avenue is underway in preparation of the road dedication to Monmouth County.

Other projects in process include:

- A 2100-foot 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories, is commencing within the next two-to-three weeks, with an expected completion by mid-October. This is a New Jersey American Water project, funded by FMERA, which will supply water to the Artists Barracks parcel, Eatontown DPW Parcel, the County Motor Pool, and the Bowling Center.
- The installation of a 5600-foot 24" water main extension along Avenue of Memories, presently scheduled to begin in the spring of 2021 with New Jersey American Water.
- Two Rivers Water Reclamation Authority, has completed an extension of a sanitary force main out of Horseneck Point in the 400 area, which effectively abandons a 500-foot TRWRA force-main through the 400 area, and another force-main across the Allison Hall in Lodging parcels, clearing the way for unimpeded development of over 100 acres.
- New Jersey American Water has eliminated one of two water meters that served the Main Post of Fort Monmouth, thus saving FMERA a substantial monthly surcharge.
- A sanitary main extension on North Drive at Wilson Avenue to serve the Bowling Center and development between Wilson Avenue and Rt. 35 is scheduled following the closing for the Bowling Center.

Buildings slated for sale or reuse are regularly checked. Sanitary lift stations and generators are inspected weekly, and the fort's electrical power system is monitored. The facilities team continues to assist our developers, and support the real estate development team with RFOTP's, MCR's, and development plans.

2. Kara Kopach, Director of Real Estate Development gave an overview on property sales and RFOTPs:

FMERA continues to make good progress on the Fort's redevelopment, with about three-quarters of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 20 properties, and another 15 parcels are under contract or have Board-approved contracts. FMERA is currently in negotiations with the leading scorer for the Tinton Falls Commercial Parcel and is finalizing term sheet negotiations with the prospective purchaser of the Expo Theater property, slated for recreation use.

FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. With both developers and approving entities having adapted to new ways of working, we're pleased to report that our projects continue to make excellent progress. As a result of recent Board actions related to the pandemic, FMERA has provided timeline extensions for a number of on-going projects. In addition to the Bowling Center, the Eatontown DPW project has also executed a PSARA amendment for an extended approvals period.

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. With less than 25% of its land still available, FMERA remains focused on its mission and will continue to market its remaining parcels for redevelopment. FMERA is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

Our team has begun hosting virtual meetings with developers and industry professionals regarding the Parcel B property, slated as a mixed-use development in Eatontown. With the delivery of goods and services having changed dramatically over the past 10 years, FMERA is working to re-envision the project in way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. These online discussions are intended to gather valuable insight about the marketplace and help inform FMERA's vision for the new RFOTP for the property. By targeting a broader mix of commercial uses and small-scale, complementary retail amenities, the project is poised for success as a hub for business and community engagement.

FMERA would like to acknowledge Beacon of Life's successful fundraising event for the Wounded Warrior Project on August 12th. Thank you to all who supported this initiative. The Fort has several additional upcoming events planned for this fall, including Eatontown's Sesquicentennial 5k race on September 7th and a drive-in movie hosted by the Indie Street Film Festival on September 17th. Stay tuned for more information via our newsletter.

Our team continues to work remotely and is available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

3. Additional Comments by the Executive Director

Mr. Steadman thanked the Boroughs of Eatontown, Tinton Falls, and Oceanport, and the County of Monmouth for their continued support and help on various day-to-day operating issues while working remotely; and noted the outstanding support and help received from our key state stakeholders: the Governor's Authority Unit, Deputy Attorney Generals, NJEDA, DEP, the DOT, the DOL, the DCA, and many others. Mr. Steadman also stated that the working relationship with the Army has never been better.

Bruce Steadman gave an update on FMERA action items:

Action Items for Next Month.

- a) Continued work with the N.J. Department of Environmental Protection and U.S. Army to identify and resolve environmental issues of concern
- b) Continued meetings with interested prospective employers and investors
- c) Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- d) Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- e) Continued work on the water, sewer, and electric system improvements.
- f) Continued drafting and revisions of documents for the 30+ projects underway.

COMMITTEE REPORTS

1. AUDIT COMMITTEE (ROBERT LUCKY, CHAIRMAN)

Robert Lucky stated that the Committee did not meet this month.

2. REAL ESTATE COMMITTEE (ROBERT LUCKY)

Robert Lucky stated that the Committee met on August 12th and discussed the following:

- Discussion regarding the First Amendment to the PSARA with Martelli Development Group, LLC for the Suneagles Golf Course in Eatontown. The Amendment approves an extension to the Closing date until the sooner of: (i) until December 1, 2020 or (ii) such time as All Approvals have been received. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding the Third Amendment to the PSARA with Barker Circle Partnership, LLC for Barker Circle in the Oceanport which would expand the allowable uses for the property and will support the advancement and economic impact of Barker Circle's redevelopment. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding Approval of Plan Amendment #15 permitting alternative development scenario regarding the Commissary and PX Complex, the Parking Lot, the Warehouse District, and the Post Office Area in Oceanport. The Committee reviewed the request and recommended it to the Board for approval.
- Other Issues
 - OPort Partners
 - Parcel B
 - Howard Commons
 - Expo Theater
 - Tinton Falls Commercial Parcel RFOTP
 - FMERA office & McAfee
 - Plan Amendment #16
 - Potential 3&4Q Closings
 - MCIA Update

3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (KENNETH J. KLOO, CHAIRMAN)

Kenneth J. Kloo stated that the Committee did not meet this month.

4. HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (JAY COFFEY, CHAIRMAN)

Jay Coffey stated that the Committee did not meet this month.

5. HOUSING STAFF ADVISORY COMMITTEE (SEAN THOMPSON, CHAIRPERSON)

Sean Thompson stated that the Committee did not meet this month.

6. VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER DIRECTOR LILLIAN BURRY, CHAIRPERSON)

Lillian Burry stated that the Committee did not meet this month. Ms. Burry stated that on September 12th at 11:00a.m. there will be a groundbreaking ceremony at the Soldier On facility in Tinton Falls.

BOARD ACTIONS

1. The first item before the Board was the First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Signature Homes for the Suneagles Golf Course in Eatontown.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Lillian Burry and was seconded by Anthony Talerico.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: ANTHONY TALERICO
AYes: 7

2. The second item before the Board was the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC for Barker Circle.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Jay Coffey and was seconded by Lillian Burry.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: JAY COFFEY Second: LILLIAN BURRY
AYes: 7

3. The third item before the Board was the Consideration of Approval to Approve Plan Amendment #15 Permitting an Alternative Development Scenario in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Lillian Burry and was seconded by Dave Nuse.

Bruce Steadman stated that staff reviewed all the comments that were received from Oceanport. Mr. Steadman stated that specific to the comments regarding the traffic study, the traffic study is part of the formal submission process that the developer makes to the Borough and the County. Mr. Steadman stated that the traffic study is not included in the Mandatory Conceptual Review (“MCR”) or the Plan Amendment process. Mr. Steadman stated that OPort Partners has already begun the traffic study and anticipates being able to submit it to the Oceanport Planning Board when the site plan is submitted.

Mr. Steadman stated that specific to the school parcel that was depicted in the Reuse Plan, the parcel still exists, although its configuration was changed a few years ago and now is approximately 14 acres in size, it is not attached to the OPort Partners development, and is still available for future development . The open space issue as it relates to that parcel will be addressed in the future by FMERA.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: DAVE NUSE
 AYes: 7

Mr. Steadman noted that this issue required a Super Majority of 7 YES votes to carry, and 7 YES were in fact received, so the motion carried.

OTHER ITEMS

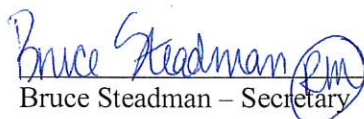
There were no other items before the Board.

PUBLIC COMMENT REGARDING ANY FMERA BUSINESS (5 minutes re: any FMERA business)

There was no public comment.

There being no further business, on a motion by Lillian Burry and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 7:40p.m.

Certification: The foregoing and attachments represent a true and complete summary of the actions taken by the Fort Monmouth Economic Revitalization Authority at its Board meeting.


 Bruce Steadman – Secretary

**Resolution Regarding
First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Development Group,
LLC for the Suneagles Golf Course in Eatontown**

WHEREAS, on August 2, 2017, the Board authorized the execution of the PSARA between FMERA and Martelli Development Group, LLC (“Martelli” or “Purchaser”) for the Suneagles Golf Course, a 171-acre property that includes an 18-hole golf course designed by noted architect A.W. Tillinghast; a 37,125 sf banquet facility, the historic Gibbs Hall; two ancillary buildings, a sports bar and a golf maintenance building; and 42 vacant officer housing units known as the Megill Housing. Gibbs Hall is listed on the National Register of Historic Places, and a portion of the golf course is subject to an archeological restriction that protects Native American artifacts. The Purchase and Sale Agreement and Redevelopment Agreement (“PSARA”) was executed on December 21, 2017; and

WHEREAS, Martelli proposes to renovate Gibbs Hall as a first-class banquet facility, make capital upgrades to the golf course and restrict it to a golf course use for 40 years, and construct 75 new housing units, broken out as 60 luxury condominium townhomes and 15 affordable rental apartments, and the Megill Housing units would be demolished; and

WHEREAS, under the terms of the PSARA, Purchaser’s Due Diligence Period expired on June 8, 2018; Purchaser then entered into an Approval Period to seek to obtain all required permits and approvals within twelve (12) months from the end of Due Diligence and was entitled to an Extension Period of six (6) months as it was diligently seeking to obtain All Approvals; and

WHEREAS, Purchaser’s Approval Period and Approval Extension Period expired on December 9, 2019, and under the terms of the PSARA, Purchaser was to close within thirty (30) days upon expiration of the Conditions Precedent to Closing; and

WHEREAS, Purchaser was granted a five-month extension to closing under FMERA’s Executive Director’s Delegated Authority to grant extensions for COVID-19 related reasons until August 18, 2020; and

WHEREAS, on July 9, 2020, Purchaser requested an additional extension to closing due to delays in a NJDEP approval and financial conditions imposed by Purchaser’s lender; and

WHEREAS, on July 18, 2019, Gibbs Hall experienced water damage following a sprinkler system failure; and insurance proceeds in the amount of \$732,521.46 were received for the damage; and

WHEREAS, FMERA and Martelli have agreed to share the insurance proceeds based on a percentage for the repairs and damage associated to Gibbs Hall; and Martelli’s portion of the insurance proceeds will be held in escrow until closing; and

WHEREAS, should Martelli fail to close on the property, FMERA will retain the entirety of the insurance proceeds; and

WHEREAS, Martelli owes significant utility bills to FMERA and has agreed that a portion of its insurance proceeds will be used to pay this outstanding debt, and any utility or golf course equipment debt that accrues after this Board action will also be resolved at closing; and

WHEREAS, subject to the Board’s Approval, FMERA agreed to amend the PSARA based on the terms as described in the attached memorandum, including the extension of closing until the sooner of (i) December 1, 2020 or (ii) the receipt of All Approvals; and

WHEREAS, all other terms of the PSARA will remain unchanged. Attached is the First Amendment to the PSARA between FMERA and Martelli which is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Development Group, LLC for Suneagles Golf Course in Eatontown on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: August 19, 2020

EXHIBIT 1

ADOPTED
August 19, 2020

**Resolution Regarding
Third Amendment to Purchase and Sale & Redevelopment Agreement with Regional Development Group,
LLC, subsequently assigned to Barker Circle Partnership, LLC for Barker Circle in Oceanport**

WHEREAS, FMERA issued a Request for Offers to Purchase (“RFOTP”) in connection with the planned redevelopment of the Barker Circle Complex in Oceanport on March 8, 2017 and the Barker Circle Complex consists of an approximately 19.5± acre parcel of land containing seven buildings and totaling approximately 198,598 gsf located on Oceanport Avenue in the Main Post Area of Fort Monmouth and is located in the Fort’s National Register Historic District and the buildings are therefore subject to historic preservation covenants; and

WHEREAS, the PSARA was approved by the Board at its September 2019 meeting and executed on November 7, 2019; and

WHEREAS, Regional Development Group, LLC (“RDG”) assigned the PSARA to an affiliate, Barker Circle Partnership, LLC (“BCP”), created specifically for the Project immediately following execution of the PSARA; and

WHEREAS, BCP will pay Four Million Eight Hundred and Fifty Thousand (\$4,850,000) Dollars for the property and proposes to use the Barker Circle Complex for mixed-uses consisting of seventy-five residential units broken out as sixty market rate units and fifteen affordable housing units subject to confirmation that the affordable housing units satisfy Purchaser’s obligation to set aside at least twenty percent of the total residential units as housing that is affordable to low- and moderate-income households in accordance with N.J.A.C. 19:31C-3.23; and

WHEREAS, on May 20, 2020, the FMERA Board approved a Rule Modification under of Executive Order 103 (“EO 103”) for Purchase and Sale & Redevelopment Agreements (“PSARAs”), that allows COVID-impacted development projects with purchase prices over \$2,000,000 to request the return of its 10% deposit, as defined under N.J.A.C. 19:31C-2.7(b); and

WHEREAS, on June 1, 2020, BCP submitted a request to FMERA via letter, requesting the release of its 10% deposit and provided justification which demonstrated COVID-driven impacts to the project and BCP’s letter cited delays obtaining financing through financial institutions and the on-going development of new lending criteria in response to the pandemic, as significant hurdles to the project’s development; and

WHEREAS, the release of the 10% deposit is to be used to fund remaining site-work, planning & design required for the Mandatory Conceptual Review process and the Oceanport Planning Board review and BCP certified this financial hardship and use of the deposit prior to its release via a correspondence on June 9, 2020; and

WHEREAS, as a result, the Deposit under the Agreement was reduced to five percent (5%) of the original Purchase Price in the sum of \$242,500 and the balance of the remaining Deposit in the sum of \$485,000 plus accrued interest was refunded to BCP on July 6, 2020; and

WHEREAS, BCP proposed to reuse the remaining buildings Barker Circle buildings for commercial use; Building 206 as office space, Building 275 as a theater, and Building 282 as a restaurant; and

WHEREAS, on July 1, 2020, FMERA staff received a correspondence from BCP requesting an expansion of the allowable uses permitted in the buildings slated for commercial redevelopment; BCP cited current irregularities and vagaries of the real estate marketplace as cause for concern, noting that the targeted uses for Buildings 206, 275, and 282 have been subject to significant hardship in 2020 and face an unforeseeable future; and

WHEREAS, FMERA staff reviewed this request in conjunction with the RFOTP issued on March 8, 2017, which permitted residential, office/research & development, institutional and/or health care related use-proposals in

Buildings 205-208 and Building 287 and determined it permitted alternate uses for the Fire House (Building 282) and Kaplan Hall (Building 275) included office/research & development, retail, or other commercial uses; museum or arts center uses were also acceptable for Kaplan Hall; and

WHEREAS, based on the aforementioned, FMERA staff believes expanding the allowable uses as described in the attached memorandum will support the advancement and economic impact of Barker Circle's redevelopment; and

WHEREAS, the attached amendment to the PSARA includes the following revisions to material terms: Section 7(b)(i), shall be amended to permit office, medical offices such as physical therapy, business lofts, and accessory childcare in Building 206; restaurant, brewpub, brewery, arts retail such as studios & gallery space, and second-floor office not to exceed fifty percent (50%) of the total square footage in Building 282; and theater, arts uses, and ancillary office use in Building 275; and

WHEREAS, all other material terms of the PSARA as will remain unchanged. The attached Third Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Barker Circle Partnership, LLC for Barker Circle in Oceanport on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: August 19, 2020

EXHIBIT 2

ADOPTED
August 19, 2020

Resolution Regarding
Approval of Plan Amendment #15 Permitting Alternative Development Scenario in Oceanport

WHEREAS, the FMERA Act, P.L. 2010, c.51, in N.J.S.A. 52:27I-26(c), and the Land Use Rules, in N.J.A.C. 19:31C-3.27, authorize FMERA to amend the Reuse Plan from time to time as development progresses; and

WHEREAS, pursuant to the Land Use Rules, FMERA must transmit any proposed Reuse Plan amendment to the governing body of the three municipalities for a 45-day comment period and then consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, the proposed Amendment #15, prepared by prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development and FMERA's planning consultant Phillips Preiss (PPG) envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units which would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground; and

WHEREAS, in accordance with the FMERA Act and the Land Use Rules, the Board approved transmitting the proposed Reuse Plan Amendment #15 to the host municipalities at its June 17, 2020 meeting; and

WHEREAS, the 45-day comment period commenced on July 3, 2020; and

WHEREAS, the comment period expired on August 17, 2020 and correspondence was received from Eatontown, Oceanport and Tinton Falls; and

WHEREAS, FMERA staff reviewed the correspondence and provided responses to all comments to the Real Estate Committee and recommended that Plan Amendment #15 be modified in response to certain comments from the Borough of Oceanport; and

WHEREAS, the Real Estate Committee has reviewed the responses to the comments from the three host municipalities for the Reuse Plan Amendment #15 and recommends adoption of Amendment #15 to the Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority adopts the responses contained in the attached memorandum, to the comments from the Boroughs of Eatontown and Oceanport, Tinton Falls.
2. As expressed in the attached memorandum, the Authority approves Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan that would permit an alternative development scenario in the Oceanport Reuse Area.
3. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: August 19, 2020

EXHIBIT 3

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman

DATE: September 25, 2020


SUBJECT: Executive Session Items
For Informational Purposes Only

As the Members are aware, the Open Public Meetings Act provides exceptions to public session for certain matters, such as ongoing real estate negotiations, litigation strategy, attorney-client confidential information, or personnel matters. For this reason, from time to time, the Board goes into Executive Session for these matters.

In compliance with New Jersey's Open Public Meetings Act, the Board first adopts a resolution at its public meeting indicating what matters will be discussed in Executive Session and when the minutes of the Executive Session will be disclosed to the public.

Many items remain sensitive or unresolved and therefore cannot be made public at this time; however, after a review by staff, several items have been resolved and are no longer considered confidential. Attached, for the Board's information, is a chart outlining the resolved items from the past five years.

Staff will continue to review executive session items on an annual basis and present an update to the Board at its annual meeting each September, which will include a list of matters no longer deemed confidential. As is the current practice, if a request is made for information on an Executive Session item in the interim, staff, in consultation with the Attorney General's Office, will review the request to determine if the item can be made public at that time.


Bruce Steadman

Attachment:
Prepared by: Regina McGrade

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

DATE: September 25, 2020

SUBJECT: Monthly Status Report

Summary

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include Treasurer's Report, Update on Utilities and Infrastructure; Update on the Fort Monmouth Redevelopment; Update on Marketing; and Action Items for Next Month.

Treasurer's Report

The budget process for 2021 is about to get underway. In the coming weeks, FMERA staff will hold budget sessions and begin drafting the 2021 FMERA Budget. The draft budget will then be presented to the Audit Committee for their review. The 2021 FMERA Budget is scheduled to be brought to the Board for its consideration and approval at the December meeting. FMERA controls spending to the extent possible, until land sales occur, and proceeds are received, at which point we determine which projects in our budget can be completed. With the end of the 3rd quarter approaching, FMERA is and is targeted to remain under budget in all categories through year-end.

FMERA staff and counsel have been in contact over the past few months with representatives of the County of Monmouth and the Monmouth County Improvement Authority regarding the issuance of subsequent notes relating to the financing of FMERA's purchase of the Phase 2 EDC properties from the Army. In 2016, the Monmouth County Board of Chosen Freeholders authorized a payment guaranty on the notes for five years. This will be the fifth and final year under the agreement. As of the November 14, 2020 subsequent maturity date, FMERA is estimating that it will have paid down approximately \$11,000,000 in principal of the original \$33,525,000. At tonight's meeting, FMERA is requesting that the Board authorize the issuance of subsequent notes in an amount not to exceed \$24,500,000 to cover the balance plus issuance costs and fees.

Executive Director's Report**1. Update on Utilities and Infrastructure**

The facilities, environmental, and site-maintenance teams continue to maintain the Fort through the Covid-19 pandemic utilizing safe practices and health guidelines. Increased security, police patrols and building inspections continue.

FMERA is currently working on completing the following FOSTs and deeds with the Army:

- The Group 2 Deed has been conveyed to FMERA. FMERA is awaiting two necessary documents from the Army before recording the deed.
- The Group 3 deed, with supporting documents, has also been conveyed to the FMERA; however, the deed cannot be recorded until the Group 2 deed is recorded.
- The Group 4 Deed is expected to be completed by December of this year.

- The Group 4 FOST is in draft form and is undergoing internal Army review.

Other projects in process include:

- Outbound surveys of the OPort Partners parcels are complete.
- The Expo Theatre survey is under review.
- The Eatontown Parks parcel survey is being completed.
- A survey of Sanger Avenue, ahead of the road dedication to Monmouth County, is complete and with the County for review.
- A 2100-foot 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories, is moving forward, with an expected completion by mid-October. This New Jersey American Water project, funded by FMERA, will supply water to the Artists Barracks parcel, Eatontown DPW Parcel, the County Motor Pool, and the Bowling Center.
- FMERA is moving forward with plans to install a 2000-foot 8" water main from Anson Avenue at Murphy Drive westward to Todd Avenue, then north to Avenue of Memories. This main will serve the Denholtz parcels and tie the NJAW system in Main street to the Phase 1 water main in Avenue of Memories, which was completed in 2018.
- The installation of a 5600-foot 24" water main extension along Avenue of Memories by New Jersey American Water is still scheduled to begin in the spring of 2021.
- A sanitary main extension tying to an Eatontown Sewerage Authority main along Mill creek at North Drive at Wilson Avenue, to serve the Bowling Center and development between Wilson Avenue and Rt. 35, is scheduled following the closing for the Bowling Center.

Buildings slated for sale or reuse are regularly checked. Sanitary lift stations and generators are inspected weekly, and we closely monitor the fort's electrical power system. And, as always, the facilities team continues to assist our developers and support the real estate development team.

Also, please note: The U.S. Army has commenced the Army landfill capping project on four Army-owned solid waste landfills on the Main Post. The capping project is being executed in accordance with the NJDEP approved Record of Decision (ROD) documents. FMERA has been told that the first phase of the project involves the clearing of trees and other brush which will allow for the proper grading of each landfill before the final caps are constructed. The Army landfill project is designed to protect the integrity of the landfills, safeguard nearby human and animal activities, and provide a permanent solution to the Army's landfills, some of which are 50+ years old. Any questions regarding the Army landfill capping project should be directed to Mr. William Colvin, Base Environmental Coordinator for the Army.

2. Update on the Fort's Redevelopment

The following is a town-by-town summary of the status of our redevelopment projects.

In **Oceanport**, FMERA has closed on the following nine properties:

- Officer Housing Parcels on January 13, 2017 with RPM Development, LLC. The company renovated the 116 historic housing units, creating 68 market-rate for sale units, and 48 rental units; twenty (20%) percent of the total units are available to low- and moderate-income households.
- Main Post Chapel on February 27, 2017 with Triumphant Life Assembly of God Church who purchased the approximately 16,372 sq. ft. building for use as a house of worship.
- Russel Hall on June 23, 2017 with TetherView Property Management, LLC, a private cloud computing services company who occupies the 40,000 sq. ft. building. Russel Hall currently houses a variety of businesses including tech companies, medical offices, and an architecture firm.
- 13-acre parcel on Murphy Drive on August 16, 2017, where the Borough of Oceanport purchased the property for their new municipal complex.
- Fitness Center on September 26, 2017 enabling Fort Partners Group, LLC, to renovate and expand the facility to emphasize basketball and medically based fitness and wellness programs, and individualized group training and classes.
- Dance Hall parcel on April 4, 2018 to The Loft Partnership, LLC. The developer plans to renovate the Dance Hall as a microbrewery, coffee house, and banquet facility.

- Building 501, on April 24, 2019 with Family Promise of Monmouth County, an approximately 1.7-acre site, via a Legally Binding Agreement (LBA).
- Telecommunications Tower and Land on October 25, 2019 with Global Signal Acquisitions, LLC for an approximately 0.58 parcel of land containing the Telecommunications Tower and adjacent land.
- Squier Hall Complex, on December 18, 2019 with KKF University Enterprises, LLC, an approximately 31-acre site. The developer has secured a commitment from New Jersey City University for use of the site as a satellite campus and anticipates opening in Fall 2020.

Also in **Oceanport**, FMERA has executed or approved contracts on the following ten properties:

- Barker Circle, with Regional Development Group, LLC, an approximately 19.5-acre parcel in the historic district which includes the repurposing of buildings 205, 206, 207, 208, and 287, as well as the Main Post Firehouse and Kaplan Hall, for residential, office and other commercial uses.
- Allison Hall, with Fort Monmouth Business Center, LLC, a 13-acre parcel which includes the reuse of the historic building, as well as retail, office/research & development and open space/recreation uses.
- Lodging Area, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units.
- Marina, with AP Development Partners, LLC, currently operating as a marina/public boat ramp and restaurant.
- Commissary, Post Exchange (PX) complex, Warehouse District and a 1000 Area Parking parcel, with OPort Partners, LLC. Commissary/PX parcel shall permit, Food Service, Flex space, Office, R&D and Instructional Schools and Studios. The Warehouse District will permit Flex Space, Medical Office, Office, and Research & Development.
- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

FMERA intends to issue RFOTPs for the following Oceanport properties in the coming months:

- McAfee Center, a 90,000± sf R&D building with several related support buildings on a 47-acre site
- 400 Area, an 80± acre site east of Oceanport Avenue, zoned for housing and commercial uses.

In **Eatontown**, FMERA has executed or approved contracts on the following four parcels:

- Eatontown Barracks, 6 buildings on Semaphore Avenue on an approximately 4.4-acre parcel, where FMERA entered into a PSARA with Kenneth Schwartz for the development of a commercial arts-related project, including studio, performance and gallery space, as well as short-term residential units for artists.
- Suneagles Golf Course, where FMERA has executed a PSARA with Martelli Development, LLC, to maintain and upgrade the existing Golf Course, renovate historic Gibbs Hall, and construct 75 new housing units. Martelli continues to operate the course in the interim so it remains open to the public as the redevelopment progresses.
- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with an executed PSARA with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.
- Bowling Center, an approximately 2.8-acre parcel including Building 689, a 20-lane bowling alley and Building 682, a wood frame building to be demolished, where FMERA executed a PSARA with Parker Creek Partners, LLC.

Also in **Eatontown**, FMERA is in negotiations for the sale and redevelopment of the following property:

- Expo Theater, an entertainment facility, previously used as a live theater and cinema; and adjacent properties, including Dean Field and portions of the M3, M5, and M4 landfills, as optional sub-parcels.

FMERA intends to issue the following RFOTPs in Eatontown:

- Vail Hall, a 36,000± sf building on Avenue of Memories planned for office and/or commercial use
- Mallette Hall, a 57,000± sf office building across from Vail Hall slated for reuse or replacement

At tonight's meeting, the Board will be asked to approve a Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for the Eatontown Parks Parcel located on Nicodemus Avenue.

FMERA hopes to come to the October Board meeting for approval to issue a new RFOTP for Parcel B after discussions with the Real Estate Committee and the Eatontown Ad Hoc Committee.

In **Tinton Falls**, FMERA has closed on the following five properties:

- Fort Monmouth Recreation Center and Swimming Pool, with the Monmouth County Park System and being used for programs which include arts & crafts, sports, exercise classes and a variety of amenities including classrooms, gymnasium and a game room.
- Parcel F-3 with the Monmouth County Park System in conjunction with the adjacent Recreation Center and Swimming Pool. Located along Hope Road, the County has expanded its services and public open space amenities currently offered at the Recreation Center.
- Charles Wood Fire Station, transferring the property to Commvault Systems, Inc. for use as corporate office and training space.
- Parcel C1 with Lennar Corporation, planned for 45 new single-family homes.
- Parcel C with Lennar Corporation, approved for 243 residential units and up to 58,000 sq. ft. of retail development.

FMERA has approved or executed a contract on two properties in Tinton Falls:

- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 sq. ft. of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC, which is slated to close imminently.
- Parcel F-1 – Myer Center and Building 2705, an approximately 36-acre parcel in Tinton Falls where RWJ Barnabas Health (RWJBH) plans to create a health campus. On September 20, 2017, the Board approved a Purchase and Sale Agreement (PSA) with EDA for the parcel. On June 12, 2018, the EDA Board authorized the execution of an Agreement to Assign of the PSA among EDA, FMERA and RWJBH. At the Authority's June 2018 meeting, the Board approved the execution of an Agreement to Assign among FMERA, EDA and RWJBH providing for the assignment of a PSA between FMERA and EDA for the property.

Also in **Tinton Falls**, FMERA is in negotiations for the sale and redevelopment of the Tinton Falls Commercial Parcel, which includes the following.

- Pulse Power, a special purpose facility consisting of 15,690 sf of administrative offices and 10,786 sf of dry lab and testing space.
- Building 2719, consisting of 6,574 sf of administrative space and a 2,448 high-bay garage constructed in 2006.
- Pistol Range, consisting of Building 2627, situated on approximately 1 acre; the Fire and Police Training Area, including Building 2628, situated on approximately 2.3 acres; and the Satellite Road Parcel, an approximately 1.5-acre tract of land.

3. Marketing Update

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. Our team is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

After several virtual meetings with developers and industry professionals regarding the Parcel B property, slated as a mixed-use development in Eatontown, FMERA has refined its vision for the new Request for Offers to Purchase for Parcel B. With the delivery of goods and services having changed dramatically over the past 10 years, FMERA has re-envisioned the project in a way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. By targeting a broader mix of commercial uses and small-scale, complementary retail amenities, the project is poised for success as a hub for business and community engagement. FMERA anticipates releasing a new RFOTP in the final quarter of 2020.

In September, FMERA hosted two highly successful community events, including the Eatontown 5K on Labor Day weekend and the Indie Street Film Festival Drive-In screening of the HBO Max hit film, Class Action Park on September 17th. Eatontown has reported that its 5K race was its best attended to-date and the Borough continues to look forward to unveiling planned municipal projects on the Fort that residents can enjoy in the future.

The Indie Street drive-in was also a great success, drawing over 90 vehicles to the Fort's grounds for a special screening of Class Action Park. Director Seth Porges hosted a Q&A following the film. FMERA is proud to support the local municipalities and nonprofit organizations that are working to build community within the Fort. A special thank you to the County and local police for making these events a success.

Our team continues to work remotely and is available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

4. Action Items for Next Month.

- Continued work with the N.J. Department of Environmental Protection and U.S. Army to identify and resolve environmental issues of concern
- Continued meetings and tours with interested prospective employers and investors
- Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- Continued work on the water, sewer, and electric system improvements
- Continued drafting and revisions of documents for the 30+ projects underway


Bruce Steadman

Prepared by: Regina McGrade

ADOPTED
September 25, 2020

**Resolution Regarding the
Appointment of the Assistant Secretaries, Reaffirmation of OPRA Records Custodian and
Ethics Liaison, and Approval of October 2020 – September 2021 Meeting Dates**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the Authority’s By-Laws provide that an annual reorganization meeting be held in September of each year.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the designation of the Accounting Manager and the Office Administration Manager as Assistant Secretaries.
2. The Authority affirms the re-appointment of Fred Cole as Ethics Liaison Officer and Marcus Saldutti as OPRA Records Custodian.
3. The Authority approves the October 2020 – September 2021 Meeting Dates attached hereto.
4. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT
Dated: September 25, 2020

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Dr. Robert Lucky
Vice-Chairman

DATE: September 25, 2020

SUBJECT: Annual Meeting


The Fort Monmouth Economic Revitalization Authority's By-Laws provide that an annual reorganization meeting be held in September of each year. Although one of the purposes of this meeting is to appoint a Vice-Chairperson of the Authority for the coming year, at this time two public Board member position remain vacant. Accordingly, I am recommending that I continue as Vice-Chairman and acting Chairman until the open Board positions are filled.

The By-Laws of the Authority also provide for the appointment of one or more Assistant Secretaries. Specifically, the By-Laws state that the Authority may by resolution appoint one or more Assistant Secretaries and provides them with the power to perform any and all duties as Secretary, by request of the Secretary or if he is absent or disabled. Therefore, I am hereby recommending re-appointing Jennifer Lepore, Accounting Manager and Regina McGrade, Office Administrative Manager as Assistant Secretaries.

I am also asking the Board to reaffirm the appointment of Fred Cole as Ethics Liaison Officer and Marcus Saldutti as OPRA Records Custodian.

In addition, attached is a proposed schedule of the monthly Board meetings for October 2020 – September 2021.

Therefore, I am seeking your approval for the following actions: 1) Appointment of Assistant Secretaries, 2) the reaffirmation of OPRA Records Custodian and Ethics Liaison Officer, and 3) monthly Board meeting schedule.



Dr. Robert Lucky, Vice Chairman

Attachment: 2020-2021 Board Meeting Calendar

FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY

2020-2021 Board Meeting Calendar

DATE	TIME	LOCATION
Wednesday, October 21, 2020	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, November 18, 2020	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, December 16, 2020	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, January 20, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, February 17, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, March 17, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, April 21, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, May 19, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, June 16, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, July 21, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, August 18, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757
Wednesday, September 15, 2021	7:00 PM	FMERA Office 502 Brewer Avenue Oceanport, NJ 07757



ADOPTED
September 25, 2020

**Resolution Regarding
Staff Advisory Committee Membership Criteria**

WHEREAS, the Authority has established four staff advisory committees: Environmental, Historical Preservation, Housing and Veterans; and

WHEREAS, these Committees (“Staff Advisory Committees” or “SACs”) were established to assist FMERA, such as by providing advice to FMERA staff on how best to move Fort Monmouth’s redevelopment effort forward within the context of their area of expertise; and

WHEREAS, while the SACs provide important insight and information to the staff for the benefit of the staff as it manages the issues associated with the redevelopment of the Fort property, there is no formal action taken at SAC meetings; and

WHEREAS, each SAC is chaired by a FMERA board member; and

WHEREAS, FMERA staff developed SAC membership criteria in 2012, which helped to standardize and focus experience and expertise requirements for prospective SAC members; and

WHEREAS, the objective is to ensure that FMERA has a knowledgeable and balanced SAC membership, capable of providing timely and sound advice to FMERA regarding the subject matter of the Committee.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority reaffirms the Staff Advisory Committee (SAC) membership criteria attached to the Board memorandum, selects the identified committee chairs, and authorizes the FMERA Executive Director and the SAC Chairs to fill the membership of each Committee accordingly, which membership shall be at the pleasure of the Board.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: September 25, 2020

EXHIBIT 2

MEMORANDUM

TO: Members of the Board
FROM: Bruce Steadman
DATE: September 25, 2020
SUBJECT: Staff Advisory Committee Membership Criteria

Request

The Fort Monmouth Economic Revitalization Authority (FMERA) staff is asking that the Board reaffirm the Staff Advisory Committee (SAC) membership criteria and authorize FMERA's Executive Director to work with the SAC Chairs to fill or reappoint the membership of each committee accordingly.

Background

The four (4) Staff Advisory Committees (SAC) are Environmental, Housing, Veterans, and Historical Preservation. The SACs were established to assist FMERA by providing advice to the FMERA staff. The Committees are charged with making recommendations to staff on how best to move Fort Monmouth's redevelopment effort forward within the context of their area of expertise. Each SAC is chaired by a FMERA board member and is made up of selected members of the community impacted by the closing of Fort Monmouth. While the SACs provide important insight and information to the staff for the benefit of the staff as it manages the issues associated with the redevelopment of the Fort property, there is no formal action taken at SAC meetings. Meetings are scheduled by the FMERA staff in consultation with the SAC Chairs, the frequency and timing of which is to be determined based on specific issues confronting the staff in each of the subject areas.

In 2012 FMERA staff developed SAC membership criteria, which helped to standardize and focus experience and expertise requirements for prospective SAC members. The objective is to ensure that FMERA has a knowledgeable and balanced SAC membership, capable of providing timely and sound advice to the FMERA staff regarding the subject matter of the committee. It is important that subject matter experts and parties involved in various segments of the community and marketplace participate in the committees to give FMERA staff access to current and creative thinking in each of the SAC subject matter areas.

Attached hereto is a description sheet for each of the four SACs, including a mission statement.

Recommendation

In summary, the FMERA staff is asking that the Board reaffirm the Staff Advisory Committee (SAC) membership criteria and authorize the FMERA Executive Director to work with the SAC Chairs to fill or reappoint the membership of each committee accordingly, which membership shall be at the pleasure of the Board.

Bruce Steadman (gm) _____
Bruce Steadman

Prepared by: Regina McGrade

Environmental Staff Advisory Committee
Mission Statement

The Environmental Staff Advisory Committee will serve in an advisory role to the FMERA staff and board. Members of the Committee will review and discuss environmental issues related to the closing of Fort Monmouth. The Environmental Staff Advisory Committee will be charged with recommending how best to move Fort Monmouth's redevelopment effort forward within the context of their area of expertise.

The Committee will be made up of at least one board member, as well as select members of the public who have knowledge and expertise in the committee's subject matter. The Staff Advisory Committee will be chaired by a member of the FMERA Board and will have at least one member of the Authority's staff assigned to it. The Committee Chair will regularly provide reports to the FMERA Board based on the Committee's findings.

Chair: Commissioner of Environmental Protection (Kenneth J. Kloo as the current designee)

Category

- representing Tinton Falls
- representing Oceanport
- representing Eatontown
- representing County
- university or college educator by trade
- contractor or developer by trade
- real estate professional
- national advocacy group

Historical Preservation Staff Advisory Committee
Mission Statement

The Historical Preservation Staff Advisory Committee will serve in an advisory role to the FMERA staff. Members of the Committee will review and discuss historical preservation issues related to the redevelopment of Fort Monmouth. The Historical Preservation Staff Advisory Committee will be charged with recommending how best to move Fort Monmouth's redevelopment effort forward within the context of their area of expertise.

The Committee will be made up of at least one board member, as well as select members of the public who have knowledge and expertise in the committee's subject matter. The Staff Advisory Committee will be chaired by a member of the FMERA Board and will have at least one member of the Authority's staff assigned to it. The Committee Chair will regularly provide reports to the FMERA Board based on the Committee's findings.

Chair: Mayor Jay Coffey

Category

- representing Tinton Falls
- representing Oceanport
- representing Eatontown
- representing County
- university or college educator by trade
- contractor or developer by trade
- real estate professional
- national advocacy group

Housing Staff Advisory Committee
Mission Statement

The Housing Staff Advisory Committee will serve in an advisory role to the FMERA staff. Members of the Committee will review and discuss housing issues related to the closing of Fort Monmouth. The Housing Staff Advisory Committee will be charged with recommending how best to move Fort Monmouth's redevelopment effort forward within the context of their area of expertise and guidelines potentially imposed by state mandates.

The Committee will be made up of at least one board member, as well as select members of the public who have knowledge and expertise in the committee's subject matter. The Staff Advisory Committee will be chaired by a member of the FMERA Board and will have at least one member of the Authority's staff assigned to it. The Committee Chair will regularly provide reports to the FMERA Board based on the Committee's findings.

Chair: Commissioner of Community Affairs (Sean Thompson as the current designee)

Category

- representing Tinton Falls
- representing Oceanport
- representing Eatontown
- representing County
- university or college educator by trade
- contractor or developer by trade
- real estate professional
- national advocacy group

FMERA Veterans Staff Advisory Committee
Mission Statement

The Veterans Staff Advisory Committee will serve in an advisory role to the FMERA staff. Members of the Committee will review and discuss veterans issues related to the closing of Fort Monmouth. The Veterans Staff Advisory Committee will be charged with recommending how best to move Fort Monmouth's redevelopment effort forward within the context of their area of expertise.

The Committee will be made up of at least one board member, as well as select members of the public who have knowledge and expertise in the committee's subject matter. The Staff Advisory Committee will be chaired by a member of the FMERA Board and will have at least one member of the Authority's staff assigned to it. The Committee Chair will regularly provide reports to the FMERA Board based on the Committee's findings.

Chair: Lillian Burry

Category

- representing Tinton Falls
- representing Oceanport
- representing Eatontown
- representing County
- university or college educator by trade
- contractor or developer by trade
- real estate professional
- national advocacy group

Resolution Regarding
Authorization to enter into a Purchase and Sale & Redevelopment Agreement with the Borough of
Eatontown for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel

WHEREAS, on May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests. The Borough of Eatontown (“Borough”) requested that this conveyance be administered as a Local Beneficial Use (“LBU”) transaction. Accordingly, the Borough’s proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria. This scoring is used to determine the discounted purchase price of the Property; and

WHEREAS, using the Fort’s appraisal for the land area in the Main Post, the fair market value of 3.82 acres for open space recreation use, net of the demolition costs, results in an estimated value of \$198,565 for the Property. The scoring of the Borough’s proposed use of the Property is 807, which entitles the Borough to the maximum discount of 40% and resulting in a purchase price of \$119,139.00; and

WHEREAS, negotiations with the Borough have resulted in the following terms: The Borough will pay \$119,139.00 for the approximately 3.82-acre property for recreation uses associated with Eatontown’s Recreation Department. Per the PSARA, Purchaser will have a sixty day Due Diligence Period commencing on the Effective Date of the PSARA with an option to extend Due Diligence for one additional sixty day period; an Initial Approval Period of twelve months commencing at the end of the Due Diligence period; and a six month Approval Extension Period, subject to FMERA approval. Closing will occur within thirty days satisfaction or waiver of the Conditions Precedent to Closing; and

WHEREAS, FMERA will convey the Property to the Borough in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the Property. There is one existing environmental carve-out parcel located within the Property. The environmental carve-out parcel will be conveyed to Purchaser for \$1.00 after the Army completes its remedial actions. In addition, Purchaser will create approximately two construction related, temporary part-time and/or full-time jobs at the Property by twelve months after project completion or pay a penalty of \$1,500 per job not created; and

WHEREAS, the Borough will expend a minimum amount of \$250,000 to complete their reuse and redevelopment project. The project includes the development of an Eatontown Borough park for active recreation uses and will consist of the demolition of Buildings 787, 788, and 790 and the renovation or demolition of 770 within the timelines set forth under the PSARA as well as upgrading the existing outdoor area to a standard suitable for public use as a municipal park; and

WHEREAS, at a later date, the Borough may approach FMERA to complete an optional Phase Two of the Project which may consist of the construction of an administrative building of up to 20,000 SF to be used for related administrative and/or active recreation purposes. A Phase Two project would require a separate redeveloper’s agreement and FMERA Board approval. Purchaser shall be responsible for commencing demolition of Buildings 787, 788, and 789, and remove the debris from the Parcel within ninety days of closing. Purchaser may reuse Building 770, provided it is painted, repaired, and landscaped appropriately within thirty days of closing and shall complete the Project within eighteen months from Commencement of the Construction of the Project, or twenty-one months after Closing. Purchaser shall be responsible for all demolition and related costs including but not limited to the costs of any required asbestos and lead-based paint remediation and disposal; and

WHEREAS, there is one environmental carve-out parcel located within the Property. ECP Parcel 98 consists of an area where former Army housing existed and Buildings 787, 788, and 789 are currently located. PCBs were identified and removed by the Army. FMERA has received an “Unrestricted Use,” NFA determination from the NJDEP in a letter dated May 21, 2018 and a Finding of Suitability to Transfer from the Army in May 2020. ECP 98 is anticipated as a part of the Group 3 deed and is planned for transfer to FMERA in 2020. In the event the property

is not transferred in accordance with the above anticipated timeline, there may be an Initial Closing of the Property excluding the Carve-out Parcel and up to one subsequent closing for Carve-out Parcel ECP 98 within forty-five days of Army completing environmental investigations and remedial actions and conveying the Environmental Carve-out Parcel to FMERA; and

WHEREAS, regarding infrastructure and utility improvements, the Borough has agreed to the terms as described in the attached memorandum; and

WHEREAS, the attached PSARA between FMERA and the Borough of Eatontown is in substantially final form. The final terms of the PSARA are subject to the approval of FMERA's Executive Director, the Attorney General's Office and the Borough of Eatontown's Council. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: September 25, 2020

EXHIBIT 4

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Authorization to enter into a Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel

DATE: September 25, 2020

Request

I am requesting that the Board authorize FMERA staff to enter into a Purchase and Sale & Redevelopment Agreement (“PSARA”) with the Borough of Eatontown (“Borough”) for a 3.82-acre tract known as the Nicodemus Avenue Park Parcel (“the Property”) including Buildings 787, 788, 789, and 770 as well as ECP 98 and land located along Nicodemus Avenue in the Eatontown Section of Fort Monmouth, New Jersey.

Background

On May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests. The Borough requested that this conveyance be administered as a Local Beneficial Use (“LBU”) transaction. Accordingly, the Borough’s proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria. This scoring is used to determine the discounted purchase price of the Property. Using the Fort’s appraisal for the land area in the Main Post, the fair market value of 3.82 acres for open space recreation use, net of the demolition costs, results in an estimated value of \$198,565 for the Property. The scoring of the Borough’s proposed use of the Property is 807, which entitles the Borough to the maximum discount of 40% and resulting in a purchase price of \$119,139.00. A copy of the LBU score sheet for the Property is attached.

Purchase and Sale & Redevelopment Agreement

FMERA staff is pleased to report that negotiations with the Borough of Eatontown have resulted in the following terms: The Borough will pay \$119,139.00 for the approximately 3.82-acre property for recreation uses associated with Eatontown’s Recreation Department. Per the PSARA, Purchaser will have a sixty (60) day Due Diligence Period commencing on the Effective Date of the PSARA with an option to extend Due Diligence for one (1) additional sixty (60) day period; an Initial Approval Period of twelve (12) months commencing at the end of the Due Diligence period; and a six (6) month Approval Extension Period, subject to FMERA approval. Closing will occur within thirty (30) days satisfaction or waiver of the Conditions Precedent to Closing. FMERA will convey the Property to the Borough in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the Property. There is one existing environmental carve-out parcel located within the Property. The environmental carve-out parcel will be conveyed to Purchaser for \$1.00 after the Army completes its remedial actions and transfers title to FMERA. In addition, Purchaser will create approximately two (2) construction related, temporary part-time and/or full-time jobs at the Property by twelve (12) months after project completion or pay a penalty of \$1,500 per job not created.

The Borough will expend a minimum amount of \$250,000 to complete its reuse and redevelopment project. The project includes the development of an Eatontown Borough park for active recreation uses and will consist of the demolition of Buildings 787, 788, and 790 and the renovation or demolition of 770 within the timelines set forth under the PSARA as well as upgrading the existing outdoor area to a standard suitable for public use as a municipal park. At a later date, the Borough may approach FMERA to complete an optional Phase Two of the Project which may consist of the construction of an administrative building of up to 20,000 SF to be used for related administrative and/or active recreation purposes. A Phase Two project would require a separate redeveloper's agreement and FMERA Board approval. Purchaser shall be responsible for commencing demolition of Buildings 787, 788, and 789, and remove the debris from the Parcel within ninety (90) days of closing. Purchaser may reuse Building 770, provided it is painted, repaired, and landscaped appropriately within thirty (30) days of closing and shall complete the Project within eighteen (18) months from Commencement of the Construction of the Project, or twenty-one (21) months after Closing. Purchaser shall be responsible for all demolition and related costs including but not limited to the costs of any required asbestos and lead-based paint remediation and disposal.

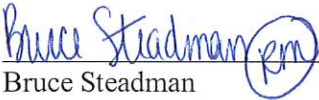
There is one (1) environmental carve-out parcel located within the Property. ECP Parcel 98 consists of an area where former Army housing existed and Buildings 787, 788, and 789 are currently located. PCBs were identified and removed by the Army. FMERA has received an "Unrestricted Use," NFA determination from the NJDEP in a letter dated May 21, 2018 and a Finding of Suitability to Transfer from the Army in May 2020. ECP 98 is anticipated as a part of the Group 3 deed and is planned for transfer to FMERA in 2020. In the event the property is not transferred in accordance with the above anticipated timeline, there may be an Initial Closing of the Property excluding the Carve-out Parcel and up to one (1) subsequent closing for Carve-out Parcel ECP 98 within forty-five (45) days of Army completing environmental investigations and remedial actions and conveying the Environmental Carve-out Parcel to FMERA.

Regarding infrastructure and utility improvements, the Borough has agreed to the following: 1) Purchaser is responsible for establishing service and accounts with FMERA [for electric], New Jersey American Water (NJAW), New Jersey Natural Gas (NJNG) and Eatontown Sewerage Authority ("ESA"); and installing a new sewer main to the Parcel from College Avenue or at a location otherwise directed by FMERA or the ESA. There are no utilities serving the Property at this time. At such time as the electric system is transferred, Purchaser will be responsible for establishing service and accounts with Jersey Central Power & Light (JCP&L); 2) Electric services will be provided by FMERA until another provider is available. FMERA intends to convey the former Army electric substation to JCP&L within five (5) years. At that time, Purchaser shall be responsible for the connection from the transformer to new distribution lines that JCP&L/FMERA will run adjacent to the Property; 3) Purchaser is responsible for replacement, repair, maintenance and/or relocation of utilities within the Property to serve the Project, subject to Seller's review and approval; 4) Purchaser is responsible for coordinating communication services to the Property through a provider of its choosing; 5) Seller is responsible for providing access to a new water line at the parcel boundary in the vicinity of College Avenue, or as otherwise directed by FMERA. Seller to obtain all necessary easements for the installation of the new water line. Purchaser responsible for installation of a lateral within the Property bounds to the water main; and 6) Purchaser is responsible for coordinating sanitary sewer service with the Eatontown Sewerage Authority and locating an off-site sanitary outfall to serve the Property. A sanitary outfall is not available within or adjacent to the subject parcel on FMERA-owned property. However, FMERA believes that there is an available sewer connection on College Avenue in the Borough of Eatontown. Purchaser should confirm with the ESA. Alternatively, a sanitary manhole will be installed on the DPW Property and Purchaser may connect to that manhole by running a sewer main to the site.

The attached PSARA between FMERA and the Borough of Eatontown is insubstantially final form. The final terms of the PSARA are subject to the approval of FMERA's Executive Director, the Attorney General's Office and the Borough of Eatontown's Council. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board authorize FMERA staff to enter into a Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for the Nicodemus Avenue Park Parcel in Eatontown.


Bruce Steadman

Attachment: LBU Score Sheet
PSARA
Prepared by: Sarah Giberson

ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]



ADOPTED
September 25, 2020

**Resolution Regarding
Transmittal to Host Municipalities of Proposed Sixteenth Plan Amendment Permitting Alternative
Development Scenario in Oceanport**

WHEREAS, the FMERA Act, P.L. 2010, c.51, in N.J.S.A. 52:27I-26(c), and the Land Use Rules, in 19:31C-3.27(c), authorize FMERA to amend the plan from time to time as development progresses; and

WHEREAS, pursuant to the Land Use Rules, FMERA must transmit any proposed Reuse Plan amendment to the governing body of the three municipalities for a 45-day comment period and then consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, the Reuse Plan envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units which would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground; and

WHEREAS, with respect to the Barker Circle parcel, the Reuse Plan contemplates mixed-income apartment residential uses at Buildings 205, 207, and 287. Reuse Plan Amendment #6 moved the civic/institutional uses envisioned for Buildings 206, 208, and 282 to a 13-acre parcel along Murphy Drive. Amendment #6 also included the change in use of Buildings 206 and 208 for residential and/or office/research & development uses, as well as retail or office/research & development uses of Building 282, the former Fire House. Amendment #6 relocated 32 residential units from Oceanport Municipal Complex parcel to Buildings 206 and 208 in the Barker Circle. The Reuse Plan envisions a museum/art center civic/institutional use for Building 275, known as Kaplan Hall, the former theater and museum of the Fort and open space in the form of a wetland preservation park along Oceanport Creek; and

WHEREAS, with respect to the Nurses Quarters parcel, the Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. Under the Land Use Rules, the Property is included in the Oceanport Education/Mixed-Use Neighborhood Development District, which permits low-and medium-density residential, mixed-use, retail, office/research, institutional/civic, and open space/recreational uses.

WHEREAS, the Amendment, prepared by Upendra Sapkato, FMERA's Senior Project Officer of Planning and Development and FMERA's planning consultant, Phillips Preiss (PPG) would permit those uses as described in the attached memorandum; and

WHEREAS, the attached Amendment #16 is in substantially final form and the final terms of Amendment #16 are subject to the approval of the Executive Director and the Attorney General's office; and

WHEREAS, the Real Estate Committee has reviewed the proposed plan change Amendment #16 and recommends Board approval of the transmittal of the proposed amendment to the governing body of each host municipality.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached memorandum, the Authority approves the transmittal to the governing body of each of the three host municipalities of the proposed attached Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan that would permit an alternative development scenario in the Oceanport Reuse Area.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: September 25, 2020

EXHIBIT 5

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Recommendation to approve of Transmittal to Host Municipalities of Proposed Plan Amendment #16 Permitting an Alternative Development Scenario with respect to the Barker Circle and the Nurses Quarter Parcels in Oceanport.

DATE: September 25, 2020

Request

I am requesting that the Board approve the transmittal to the three host municipalities of proposed Plan Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”) that would permit an alternative development scenario for the Barker Circle and the Nurses Quarter Parcels in Oceanport.

Background

In 2008, the Reuse Plan was completed and accepted by the U.S. Department of Housing and Urban Development and the U.S. Department of Defense and serves as the Plan for the redevelopment and revitalization of Fort Monmouth to be implemented by FMERA. FMERA’s enabling legislation, P.L. 2010 c. 51 (the “Act”), the Land Use Rules subsequently adopted in 2013, N.J.A.C. 19:31C-3 et seq. (“Land Use Rules”), and the Reuse Plan contemplate that amendments to the Reuse Plan would be required from time to time. Specifically, the Act authorizes FMERA “to adopt, revise, adjust, and implement ... any aspect of the plan.”

Reuse Plan amendments allow FMERA to respond to opportunities that arise through the Request for Offers to Purchase (“RFOTP”) process. The amendment is required to be a report or statement with proposals that include the following:

1. Objectives, assumptions, and standards on which the plan is based;
2. The relationship to statewide, county and municipal planning objectives;
3. Proposed land uses; and
4. Any significant relationship to municipal and county plans as well as the State Development and Redevelopment Plan.

According to the Land Use Rules, the FMERA Board shall consider the following as guidance when reviewing a proposed amendment:

1. Whether the proposed amendment would result in a material change in the overall development yield or affordable housing obligations of the host municipality, or would result in any negative impact to the Authority’s obligations pursuant to the Fair Housing Act of 1985;
2. Whether the proposed amendment would result in any significant adverse impact on other areas of Fort Monmouth;
3. Whether the proposed amendment would substantially impair the intent and purposes of the Reuse Plan;



4. Whether the proposed amendment would have any negative impact on the Authority's obligations pursuant to the Base Realignment and Closure Act ("BRAC") and any agreement with the U.S. Army conveying Fort Monmouth property to the Authority; and
5. Whether the proposed amendment would have significant adverse infrastructure ramifications different from those envisioned in the Reuse Plan.

In accordance with the Act and the Land Use Rules, prior to approving an amendment to the Plan, the amendment must be transmitted to the governing body of each host municipality for a 45-day comment period, at the end of which each municipality may provide FMERA with a written report containing the municipality's recommendations. Staff will review the report from each host municipality and prepare a preliminary analysis with reasons for accepting or not accepting the recommendations. This report shall be presented to the Board for its consideration and approval.

Development Contemplated under the Reuse Plan

The Reuse Plan envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units. The development would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground.

Amendment #16 provides the option for an alternative development scenario on the Barker Circle and the Nurses Quarters Parcels that are located in the former Fort Monmouth property in the Borough of Oceanport.

The Barker Circle Parcel: With respect to the Barker Circle parcel, the Reuse Plan contemplates mixed-income apartment residential uses at Buildings 205, 207, and 287. Reuse Plan Amendment #6 moved the civic/institutional uses envisioned for Buildings 206, 208, and 282 to a 13-acre parcel along Murphy Drive. Amendment #6 also included the change in use of Buildings 206 and 208 for residential and/or office/research & development uses, as well as retail or office/research & development uses of Building 282, the former Fire House. Amendment #6 relocated 32 residential units from Oceanport Municipal Complex parcel to Buildings 206 and 208 in the Barker Circle. The Reuse Plan envisions a museum/art center civic/institutional use for Building 275, known as Kaplan Hall, the former theater and museum of the Fort. The Reuse Plan also envisions the maintenance of open space in the form of a wetland preservation park along Oceanport Creek.

The Nurses Quarters Parcel: The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. Under the Land Use Rules, the Property is included in the Oceanport Education/Mixed-Use Neighborhood Development District, which permits low-and medium-density residential, mixed-use, retail, office/research, institutional/civic, and open space/recreational uses.

The Proposed Reuse Plan Amendment

The attached proposed Plan Amendment #16 prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development and FMERA's planning consultant Phillips Preiss (PPG) would permit the following on the subject parcels:

The Barker Circle Parcel: The proposed amendment would permit business lofts in Building 206. Childcare centers will be permitted only as an accessory use in Building 206. Restaurant, craft production facility and art and culture related retail uses would be permitted in Building 282. Additionally, the amendment would permit art and cultural retail in Building 275. Office uses are permitted only as accessory use in Building 275.

With respect to bulk regulations and density, a total of 75 residential units will be permitted in the parcel. The amendment permits Buildings 205, 287, 207 and 208 to be adaptively reused to house residential units. The amendment permits up to 0.55 Floor Area Ratio (FAR) for non-residential uses and relaxes several bulk regulations, including loading space requirements, setback requirements for adaptive reuse of the historic buildings in the Barker Circle parcel. Redevelopment of land parcels with adaptively reused historic building/s would be exempt from all setback requirements including street facing building setback requirements and no

minimum loading space would be required for residential and non-residential uses. The amendment also relaxes Gross Floor Area requirements and Maximum Impervious Lot Coverage requirements for land parcels with historic buildings. However, Gross Floor Area shall not exceed more than 5% of the permitted gross floor area set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(b) Table 4 and Maximum Impervious Lot Coverage shall not exceed 5% of the permitted Impervious Lot Coverage set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(f).

The amendment would permit a shared parking approach for subdivided parcels as set forth in the FMERA Land Use Rules 19:31C-3.7 subject to the following conditions: If the shared parking approach is utilized for this site, the applicant will submit an easement agreement executed by the parties involved, to FMERA and the Borough of Oceanport at the time the site plan application. The location of the nearest parking space of the shared parking lot shall not be greater than 400 ft walking distance from the entrance of the proposed building.

With respect to signage, the amendment permits one ground sign for each adaptively reused building or for each reused building or for each subdivided parcel. The maximum sign area shall not be more than 80 square feet for non-residential uses, and it shall not be more than 40 square feet for residential use. The maximum sign height shall not be more than ten (10) feet above grade for non-residential uses and the maximum sign height shall not be more than seven (7) feet above grade for residential use. For non-residential buildings containing more than one tenant, the provisions set forth in FMERA Land Use Rules 19:31C-3.9(d) shall apply to the exterior surface of each tenant space or leased portion of the building. Also, all the signage design shall conform to the FMERA's Historic Design Guidelines.

The Nurses Quarter Parcel: The Reuse Plan calls for adaptive reuse of Building 1077 and Building 1078 for 24 residential units as well as development of new single-family residential units along Main Street. A total of 34 residential units which includes the reuse of 24 one- and two-bedroom residential units and 10 townhomes with three-bedroom residential will be permitted. This amendment further contemplates the development of new townhomes in such a way that it creates a compact pedestrian-friendly environment along Main Street allowing the development of more flexible and usable open spaces for recreational uses in the western section of the parcel.

With respect to bulk regulations, the street facing building setback on Stephenson Avenue shall be minimum of 15 ft from the property line and the building setback on Main Street shall be minimum of 10 ft from the property line. Except for the modification of the street facing setback, all other bulk standard set forth in the FMERA Land Use Rules shall be applicable for the Nurses Quarters Parcel. The amendment permits the new townhomes to have frontage on Main Street and will not permit parking or a driveway between the new townhomes and Main Street. Further, the amendment requires a minimum three (3) foot-wide sidewalk along Main Street.

With respect to signage, the amendment permits one ground sign on the Nurses Quarters Parcel. The maximum sign area shall not be more than 40 square feet and the maximum sign height shall not be more than seven (7) feet above grade. FMERA Land Use Rules 19:31C-3.9(d) shall be applicable for all other requirements related ground signs.

Staff has reviewed the Amendment with regard to the criteria in the Land Use Rules, in N.J.A.C. 19:31C-3.27(c)5, for reviewing a proposed amendment and proposes the following conclusions:

- 1) This Amendment affects only the Oceanport Reuse Area. This amendment does not contemplate the construction of any residential square footage. This Amendment is consistent with the Reuse Plan and permits up to 720 residential dwelling units in the Oceanport Reuse Area.
- 2) This Amendment permits diverse tech-oriented uses and these uses are consistent with the goal and uses contemplated in the Reuse Plan.
- 3) This Amendment would not adversely impact any of the "Transportation Circulation Improvement Goals" established in the Reuse Plan.

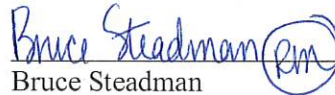
- 4) This Amendment does not impact any active recreation or open space contemplated in the Reuse Plan. Furthermore, this Amendment aims to encourage the concept of placemaking and the development of public space, plaza, and walkways within the redevelopment area which is consistent with the Reuse Plan.
- 5) This Amendment is well aligned with the sustainably element of the Reuse Plan.
- 6) The uses contemplated in this Amendment are compatible with the surrounding land uses anticipated in the Reuse Plan and subsequent amendments.
- 6) This Amendment would maintain the overarching land use concepts, objectives and principles of the Reuse Plan and addresses the relationship of the new uses at the subject parcel with the surrounding uses. Thus, the Reuse Plan would remain a rational coordinated land use plan.
- 7) This Amendment is consistent with the Authority's BRAC obligations and the existing Phase 2 Economic Development Conveyance ("EDC") agreement with the Army by incorporating open space uses envisioned in the Reuse Plan approved as part of the BRAC process.

In order for the Authority to begin the public process required before the Board considers approval or disapproval of the amendment to the Plan, FMERA staff is requesting approval to transmit the attached proposed Amendment #16 to the governing body of each of the three host municipalities.

Attached is Reuse Plan Amendment #16 which is in substantially final form. The final terms of Reuse Plan Amendment #16 are subject to the approval of the Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

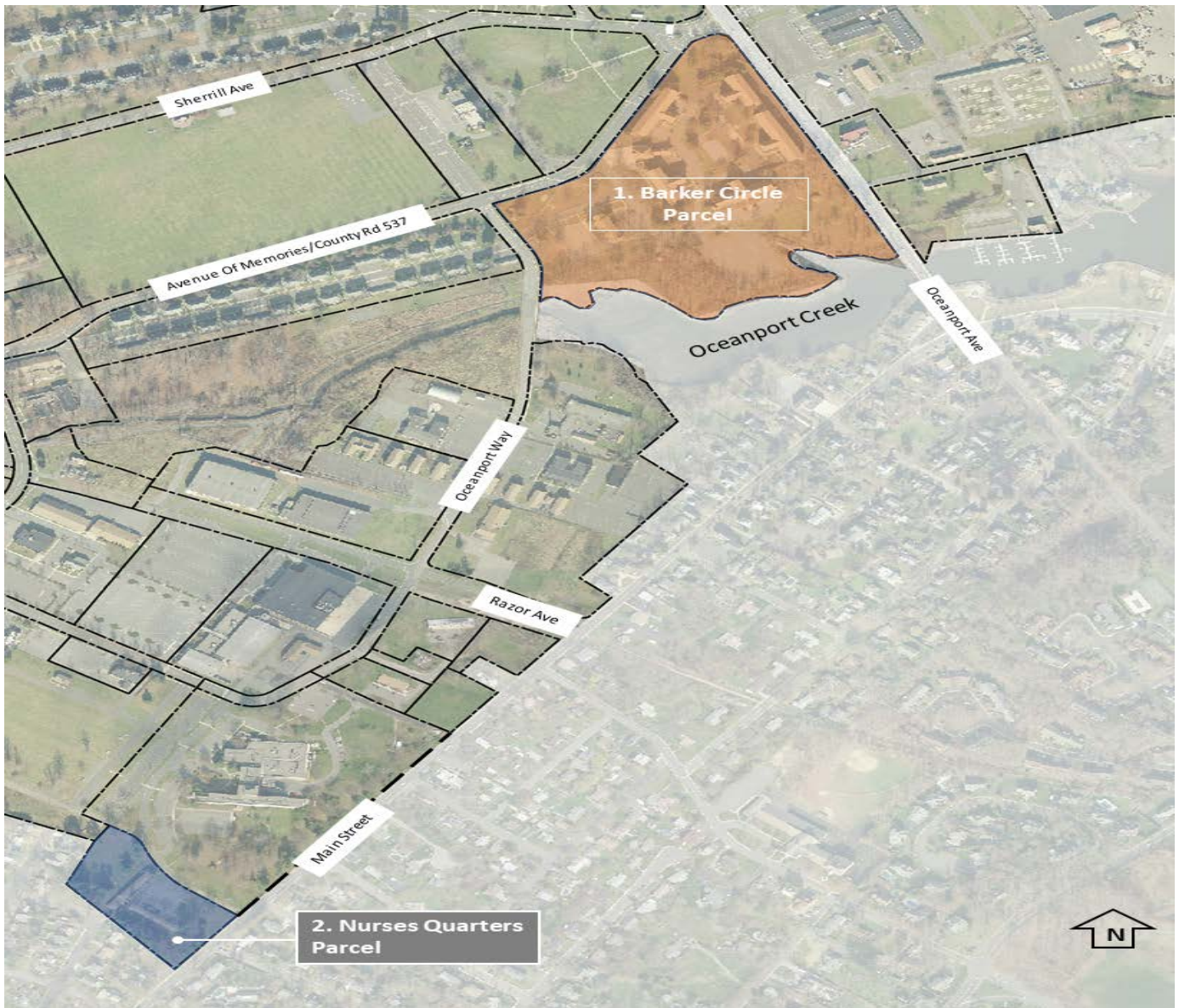
In summary, I am requesting that the Board approve the transmittal to the three host municipalities of the proposed Amendment #16 to the Reuse Plan that would permit alternative development scenarios in Oceanport.


Bruce Steadman

Attachment: Proposed Reuse Plan Amendment #16
Prepared by: Upendra Sapkota

Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan

September 2020



Fort Monmouth Economic Revitalization Authority

Amendment #16 to the
Fort Monmouth Reuse and Redevelopment Plan

Prepared by:

Upendra Sapkota, PP, AICP, LEED AP
New Jersey Professional License #8200
Senior Officer- Planning and Development
The Fort Monmouth Economic Revitalization Authority

Fort Monmouth Reuse and Redevelopment Plan, adopted: October 2008

Amendments to the Fort Monmouth Reuse and Redevelopment Plan

- Amendment #1:** Parcel E in Tinton Falls, adopted May 2012
- Amendment #2:** Patterson Clinic in Oceanport, adopted December 2012
- Amendment #3:** Several parcels in Tinton Falls, adopted November 2015
- Amendment #4:** Russel Hall and Dance Hall in Oceanport, adopted January 2016
- Amendment #5:** Pistol Range in Tinton Falls, adopted May 2016
- Amendment #6:** Two parcels in Oceanport, adopted July 2016
- Amendment #7:** Fitness Center in Oceanport, adopted August 2016
- Amendment #9:** Eatontown Barracks and DPW in Eatontown, adopted December 2017
- Amendment #10:** Suneagles Golf Course in Eatontown, adopted May 2018
- Amendment #11:** Allison Hall in Oceanport, adopted December 2018
- Amendment #12:** Myer Center in Tinton Falls, adopted January 2019
- Amendment #13:** Squier Hall in Oceanport, adopted April 2019
- Amendment #14:** Lodging Area in Oceanport, adopted May 2019
- Amendment #15:** Commissary & Warehouse area in Oceanport, adopted August 2020

ACKNOWLEDGEMENTS

Fort Monmouth Economic Revitalization Authority (FMERA) Board

Robert W. Lucky – Interim Chairman & Public Member, Fort Monmouth Economic Revitalization Authority
Lillian Burry – Monmouth County Board of Chosen Freeholders
Jay Coffey – Mayor of Oceanport
Anthony Talerico – Mayor of Eatontown
Vito Perillo – Mayor of Tinton Falls
Kevin A. Quinn – NJEDA Board Chairman
Brian Wilton – Governor’s Representative
Catherine McCabe – Commissioner Director, Site Remediation Program, NJ Department of Environmental Protection
Diane Gutierrez Scaccetti – Commissioner, NJ Department of Transportation
Robert Asaro-Angelo – Commissioner, Central Regional Chief, NJ Department of Labor & Workforce Development
Sheila Oliver – Commissioner, New Jersey Department of Community Affairs

Planning Consultant

Elizabeth Leheny, AICP, PP/ Principal
Phillips Preiss Grygiel Leheny Hughes LLC

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I. Introduction

The Fort Monmouth Reuse and Redevelopment Plan (“the Reuse Plan”) was adopted by the Fort Monmouth Economic Revitalization Planning Authority (“FMERPA”) Board on October 15, 2008. Subsequently, the Reuse Plan has been amended 15 times since its first adoption to address the changing development climate.

To further support redevelopment opportunities and economic vitality within the Fort area, pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), the Fort Monmouth Economic Revitalization Authority (“FMERA”) is considering amending the Reuse Plan to revise development standards (bulk standards) and provide the option for an alternative development scenario on the following parcels that are located in the former Fort Monmouth property in the Borough of Oceanport, New Jersey (“Oceanport Reuse Area”) as shown on Appendix A.

1. The Barker Circle Parcel

The Barker Circle Parcel consists of 19.5± acres of land and Buildings 205, 206, 207, 208, 275, 282, and 287 (approximately 198,598 GSF) located along Saltzman and Hildreth Avenues in the Oceanport section of the Fort and is bordered by Oceanport Avenue to the east.

The Reuse Plan contemplates mixed-income apartment residential uses at Buildings 205, 207, and 287. Reuse Plan Amendment #6 moved the civic/institutional uses envisioned for Buildings 206, 208, and 282 to a 13-acre parcel along Murphy Drive. Amendment #6 also included the change in use of Buildings 206 and 208 for residential and/or office/research & development uses, as well as retail or office/research & development uses of Building 282, the former Fire House. Amendment #6 relocated 32 residential units from Oceanport Municipal Complex parcel to Buildings 206 and 208 in the Barker Circle. The Reuse Plan envisions a museum/art center civic/institutional use for Building 275, known as Kaplan Hall, the former theater and museum of the Fort. The Reuse Plan also envisions the maintenance of open space in the form of a wetland preservation park along Oceanport Creek.

This amendment to the Reuse Plan contemplates the reuse of Building 206 for business lofts with childcare centers as an accessory use and Building 282 for craft production facilities and art and cultural retail uses. Additionally, this amendment also contemplates the reuse of Building 275 for art and cultural retail uses with office uses as an accessory use. Additionally, in order to allow optimum reuse of the historic buildings for futuristic uses, the amendment revises some bulk requirements.

2. The Nurses Quarters Parcel

The Nurses Quarters Parcel is approximately 3.75-acre parcel of land containing two residential buildings totaling 24 one- and two-bedroom units totaling 18,665 gsf known as the former Nurses Quarters (aka Buildings 1077 & 1078), at Main Street and Stephenson Avenue in the Oceanport Reuse Area of the Fort. Constructed in 1962, the Property was used as apartments for Army nurses and is located just west of the former Patterson Army Hospital in Oceanport and includes laundry and storage facilities, lawn areas, and off-street parking.

The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. This amendment further contemplates the development of new townhomes in such a way that it creates a compact pedestrian-friendly environment along Main Street allowing the development of more flexible and usable open spaces in the western section of the parcel.

This amendment, referred to as “Amendment #16,” does not purport to delete any provisions of the Reuse Plan but rather supplements the Plan by proposing alternative development scenarios for the parcels in the Fort area as shown as shown on Appendix B. Under N.J.A.C. 19:31C-3.19(a)(1), principal land uses permitted in the *Reuse Plan* are specifically permitted under the Land Use Rules. Thus, this amendment is incorporated into the Land Use Rules for the Reuse Area in a manner similar to an “overlay zone,” whereby an alternative set of requirements are superimposed on the area allowing for alternative land use scenarios to be realized. With regard to the alternative land use scenario, the overlay zoning provides alternative opportunities for development that do not apply unless the land is developed in accordance with the purposes for which the overlay zoning is adopted.

Amendment #16 is consistent with the planning objectives and principles articulated in the Reuse Plan and is necessary to fulfill the Authority’s main objectives—specifically job creation, economic development, and leveraging existing Fort assets.

This is the ninth amendment to the *Reuse Plan* for the Oceanport Reuse Area. Amendment #2 permitted the reuse of the Patterson Army Health Clinic as a medical clinic. Amendment #4 allowed for office/research uses in Russel Hall (Building 286) and permitted the Dance Hall (Building 552) to be reused for commercial/retail uses including outdoor dining accessory uses and provided for the maintenance of Van Kirk Park as open space. Amendment #6 allowed for a 13-acre parcel in the southern section of the Oceanport Reuse Area to be reused by the Borough of Oceanport and a 3-acre parcel to be developed as a County emergency homeless shelter. The *Reuse Plan* contemplated these government/civic/institutional uses within the Oceanport Reuse Area but had originally envision them in other locations. Amendment #6 also allowed Building 288 to be used for office and/or open space. Amendment #7 allowed for Building 114 (the Fitness Center) to be reused as a privately- operated commercial recreation facility. Amendment #11 allowed for a variety of commercial and office uses on the Allison Hall parcel including a boutique hotel and transferred the residential units contemplated under the Reuse Plan for the Allison Hall parcel to the nearby Lodging parcel. Amendment #13 to the *Reuse Plan* permits the reuse of the Building 283 (Squier Hall) for higher education classrooms and higher education ancillary uses – as defined in the amendment - and permits the demolition of Buildings 291 and 295. Reuse Plan Amendment #14 permits the demolition of Buildings 360, 361, 362, 363, 364, and 365 and reuse of Buildings 270 and 271 for affordable housing on the Lodging Parcel. Additionally, Plan Amendment #14 permitted the construction of 144 market-rate townhomes and development of at least a ±50-foot-wide waterfront esplanade along Parkers Creek including a 12-foot wide walkway designed in a complimentary coordinated style to the adjacent Allison Hall riverfront promenade. Reuse Plan Amendment #15 permits an alternative development scenario on the Warehouse District Parcel and District A (a merger of the Commissary and PX Complex, Parking Lot and the Post Office Area) parcels located in the Oceanport Reuse Area.

The Fort Monmouth *Reuse and Redevelopment Plan* involved years of careful consideration and study as well as an extensive effort to draw input from residents, the three host municipalities and the County,

State and Federal government. As such, this amendment does not change the underlying Plan vision for the Oceanport Reuse Area. Instead, it provides land use options that afford FMERA with the necessary flexibility to respond to changed circumstances in a manner that does not compromise the overall *Reuse Plan* goals and objectives.

The following chapter describes the nature and scope of the amendment, while succeeding chapters discuss its relationship to the elements, objectives and planning principles of the *Reuse Plan*, as well as to FMERA's directive, and to relevant State, County, and Municipal planning objectives.

II. Goals and Objectives

The primary goal of this Amendment is to further sustainable economic development of the Fort Monmouth area by encouraging a mix of futuristic uses with greater economic viability. The amendment also aims to promote sustainable and resilient development strategies. Some of the key plan goals and policy objectives are outlined below:

- a. Encourage reinvestment and redevelopments within the Fort Monmouth area.
- b. Encourage and promote a well-planned mixed-use environment with commercial, research, and development (R & D) cluster and office uses consistent with the *Reuse Plan* to build a competitive advantage in the Fort Area.
- c. Promote the creation of vibrant retail, commercial, and office spaces and create job opportunities for local residents.
- d. Ensure the availability of market-rate and affordable housing alternatives for all income levels as envisioned by the *Reuse Plan*.
- e. Address some of the limitations of FMERA's current land use rules and development standards and revise those standards to provide desired flexibility for current & future redevelopment projects.
- f. Enhance economic viability and livability of the area through improved pedestrian connectivity and walkability.
- g. Preserve and protect historic resources and establish appropriate land use rules for rehabilitation or adaptive reuse of historical structures.
- h. Contribute to community cultural and economic vitality, stabilize property values, foster pride and appreciation of the historic built environment, and consequently contribute to community quality of life.

III. Scope of the *Reuse Plan* Amendment

The Fort Monmouth properties in Oceanport Reuse Area total approximately 419 acres and are bounded generally by New Jersey Transit's North Jersey Coast Line, Main Street and Oceanport Creek to the south, Parkers Creek to the north, and the former Fort properties in Eatontown to the west. The *Reuse Plan* envisions redevelopment of Oceanport Reuse area for approximately 1.75 million square feet of non-residential space and 720 residential units. Such development would include a high-tech/green industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground.

This amendment maintains the development concepts and plans articulated in the *Reuse Plan* but further permits alternative development scenarios on the Nurses Quarters Parcel and Barker Circle Parcel located in the Oceanport Reuse Area as shown in Appendix A. The details of the amendment to the land use plan and alternative development scenario contemplated in this amendment are provided below.

1. Barker Circle Parcel

1.1 Historic Significance

The Barker Circle Parcel is located within the Fort Monmouth National Register Historic District (“Historic District”). The Historic District is listed in both New Jersey and National Registers of Historic Places and all seven buildings; Barracks - Building 205, 206, 207, 208, 287; Kaplan Hall - Building 275; and Former Fire Station and Guard House - Building 282, within the parcel are considered contributing resources to the Historic District and are subject to historic preservation covenants.

The Barracks buildings (Buildings 205-208) were completed in April 1928. The Barracks are constructed in the Colonial Revival architectural style. In 1934, Building 207 was enlarged on its north end to accommodate the Army band. Building 287 was added in 1940 to accommodate a fifth barrack. This building was also built in the Colonial Revival architectural style similar to the architecture style of the other Barrack buildings. The Fire Station and Guard House (Building 282) faces northwest toward Hildreth Avenue and stands between Buildings 205 and 206 (Enlisted Men’s Barracks). The building served as a guard house and was built in a prominent location that was accessible to the major road on the installation. Building 282 was built the Colonial Revival architectural style completed in 1935.

The redevelopment of the historic properties within the Historic District are subject to the Historic Preservation Design Guidelines (the “Historic Guidelines”). Pursuant to the Historic Guidelines, and the Rules, FMERA’s Historic Preservation Staff Advisory Committee (the “Historic Committee”) is required to review the application for the proposed development. Additionally, the redevelopment of the historic properties is also subject to the New Jersey Historic Preservation Office (NJSHPO)’s requirements.

1.2 Permitted Uses

Pursuant to N.J.A.C. 19:31C-3.4(b)(1) buildings in the Barker Circle parcel - Buildings 205 - 208, 282, and 287, shall be used for any land use permitted in this development district. Per land use rules, N.J.A.C. 19:31C-3.4, the permitted land uses in the Barker Circle includes, Low and Medium Density Residential Use, Mixed-Use development, Retail, Hospitality and Office/Research Uses. In addition to above, the proposed amendment will permit following uses in the Barker Circle Parcel:

a. Building 206:

1. Business lofts¹ will be permitted in Building 206.

¹ Business lofts: Shall mean establishments used for the growth and success of entrepreneurial companies through an array of business support services that could include small business-appropriate physical space, capital, coaching, common services, and networking connections. Business lofts shall not be used for residential purposes.

2. Childcare centers will be permitted only as an accessory use.

b. Firehouse Building/Building 282

1. Craft Production Facility² and Art and Cultural Retail³ will be permitted in Building 282.

c. Kaplan Hall/Building 275

1. Art and Cultural Retail will be permitted in Building 275.

2. Office uses are only permitted as an accessory use.

1.3 Bulk and Density Regulations

The following site plan and subdivision standards will be applicable to the Barkers Circle Parcel:

- a. **Residential Density:** Buildings 205, 287, 207 and 208 shall be adaptively reused for a total of 75 residential units.
- b. **Site plan and subdivision standards:** Following site plan and subdivision standards will be applicable for land parcels with adaptively reused historic building:
- I. Floor Area Ratio: Floor Area Ratio (FAR) for adaptively reused historic buildings shall not exceed 0.55.
 - II. Gross Floor Area shall not exceed more than 5% of the permitted gross floor area set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(b) Table 4.
 - III. Maximum Impervious Lot Coverage shall not exceed 5% of the permitted Impervious Lot Coverage set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(f).
 - IV. No minimum loading space is required for residential and non-residential uses.
 - V. Redevelopment of land parcels with adaptively reused historic building/s are exempt from all setback requirements including street facing building setback requirements.
- c. **Parking Requirements:**
- I. If the parcel is subdivided into multiple lots, principal uses in the subdivided lots are allowed to use the shared parking approach as set forth in the FMERA Land Use Rules 19:31C-3.7 subject to following conditions:

² Craft Production Facility: As defined in Amendment #4 & Amendment #15, i.e., shall mean "a commercial use that involves the production of arts, crafts, foods, beverages or other product with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Craft production establishments are compatible and are often co-located with retail sales and service uses. This use category includes but is not limited to coffee roasting and alcoholic beverage production. Establishments engaged in the craft production of alcoholic beverages including craft wineries, craft breweries, and craft distilleries shall be limited to no more than 10,000 gallons of product per year for brewpubs; 20,000 gallons for craft distilleries; and 300,000 gallons for microbreweries." The commercial establishments such as breweries, distilleries, and wineries shall be licensed by the Alcoholic Beverage Commission pursuant to N.J.S.A 33:1-10.

³ Art & Cultural Retail: Shall mean retail establishments used for the public display or sale of works of art. This use category includes but is not limited to art center, artist studio, art exhibition area, art gallery and art incubator facilities.

1. An easement agreement for the shared use of parking spaces shall be executed by the parties involved, and must be submitted to the Authority and the Borough of Oceanport at the time the site plan application
 2. Location of the nearest parking space of the shared parking lot shall not be greater than 400 ft walking distance from the entrance of the proposed building.
- d. Except for the standards set forth above in the subsection 1.4 (a) – (c) all other bulk standards set forth in the FMERA Land Use Rules shall be applicable for the Barker Circle Parcel development.

1.4 Signage:

The following requirements will be applicable to the Barker Circle Parcel:

I. Ground Signs:

- a. One ground sign shall be permitted for each adaptively reused building or for each subdivided parcel.
- b. The maximum sign area shall not be more than eighty (80) square feet for non-residential uses.
- c. The maximum sign area shall not be more than forty (40) square feet for residential use.
- d. The maximum sign height shall not be more than ten (10) feet above grade for non-residential uses.
- e. The maximum sign height shall not be more than seven (7) feet above grade for residential use.
- f. Signage design shall conform to the FMERA's Historic Design Guidelines.
- g. All other requirements related to ground signs under FMERA Land Use Rules 19:31C-3.9(d) shall still be applicable.

II. Wall Signs:

- a. For non-residential buildings containing more than one tenant, the provisions set forth in FMERA Land Use Rules 19:31C-3.9 (d) shall apply to the exterior surface of each tenant space or leased portion of the building.
- b. All the signage design shall conform to the FMERA's Historic Design Guidelines.

2. The Nurses Quarters Parcel

The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. Under the Land Use Rules, the Nurses Quarters Parcel is included in the Oceanport Education/Mixed-Use Neighborhood Development District, which permits low-and medium-density residential, mixed-use, retail, office/research, institutional/civic, and open space/recreational uses.

The proposed amendment would permit the following on the Nurses Quarters parcel.

2.1 Permitted Uses

- ii. Residential Use- including multi-family dwelling units and town homes with pedestrianly friendly design along Main Street.

2.2 Bulk Regulations

- a. Density: A total of 34 residential units which includes the reuse of 24 one- and two-bedroom residential units and ten (10) three-bedroom residential will be permitted.
- b. Building Height: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(c) shall apply to this proposed amendment.
- c. Street Facing Building Setback:
 - i. The building setback on Stephenson Avenue shall be minimum of 15 ft from the property line.
 - ii. The building setback on Main Street shall be minimum of 10 ft from the property line.
- d. Except for the standard set forth above under subsection 2.2 (a) – (c) all other bulk standard set forth in the FMERA Land Use Rules shall be applicable for the Nurses Quarters Parcel.

2.3 Additional Requirements

- a. The new townhomes shall have frontage on Main Street and no parking or driveway is permitted between new townhomes and Main Street.
- b. A minimum three (3) foot-wide sidewalk shall be provided along Main Street.

2.4 Signage:

The following requirement will be applicable to the Nurses Quarters Parcel.

- a. **Ground Signs:**
 - i. One ground sign shall be permitted on the Nurses Quarters Parcel.
 - ii. The maximum sign area shall not be more than forty (40) square feet.
 - iii. The maximum sign height shall not be more than seven (7) feet above grade.
 - iv. FMERA Land Use Rules 19:31C-3.9 (d) shall be applicable for all other requirements related ground signs.

V. Relationship to Elements, Objectives and Principles of the Reuse Plan and FMERA Directive

a. Relationship to Reuse and Redevelopment Plan and its Elements

In considering the impacts of the Reuse Plan amendment, the following *Reuse Plan* elements were considered: land use and circulation, infrastructure, environmental issues, historic preservation, and community impacts. The relationship between the amendment and these Plan elements are described below.

1. Land Use and Circulation

Total Non-Residential Square Footage Yield

The Barker Circle Parcel:

The Reuse Plan envisions redevelopment of the Barker Circle Parcel for mixed income housing, while the remaining two buildings (206, 208) are proposed for a new Oceanport Municipal Center. Amendment #6 identified a 13-Acre Parcel in the southern section of the Oceanport Reuse Area off Razor Avenue for the development of the new Oceanport municipal complex, as such, this amendment would permit office related uses in Building 206. The proposed amendment would permit the adaptive reuse of Building 206 into a +/- 31,400 sq. ft. of office related uses.

Building-Reuse plan section of the reuse plan contemplates for Building 282 to be preserved and re-used. Building 282 is also included in the in Reuse & Redevelopment Program and Non-Residential Building Reuse Index of the Reuse Plan and the Reuse Index calls for the reuse of its total square footage (± 6100 square feet) for original Firehouse or similar use.

The proposed amendment would permit Building 282 to be reused for restaurant, craft production facility and art and cultural retail as well as office uses in the second-floor level. The Reuse Plan contemplated a museum and art center for Kaplan Hall, but this Amendment would permit the $\pm 7,435$ sq. ft. Kaplan Hall-Building 275 to be used for theater and art and cultural retail with office space as an accessory use. As a result of the proposed amendment, the total non-residential square footage for the Barker Circle parcel would be +/- 45,935 sq. ft.

The Nurses Quarters Parcel: This amendment neither contemplates nor permits any non-residential uses on the Nurses Quarters Parcel.

Total Residential Square Footage Yield

Total residential units on the Oceanport Reuse Area will remain 720 units as was contemplated in the *Reuse Plan* and subsequent amendments to the Oceanport Reuse Area.

The Barker Circle Parcel:

The Reuse Plan contemplates the rehabilitation of three of the Barker Circle buildings 205, 207, 287 for mixed-income housing development. This amendment permits reuse of Buildings 205, 287, 207 and 208 for up to 75 for medium density residential development, which is generally consistent with the housing goal of the Reuse Plan.

The Nurses Quarters Parcel:

The Reuse Plan calls for adaptive reuse of Building 1077 and Building 1078 for 24 residential units and detached single-family residential units along Main Street. The amendment would permit an additional 10 three-bedroom townhomes in the parcel. Thirty-four residential units will be permitted in the parcel as a result of the proposed development.

Compatibility with Surrounding Land Uses

The uses contemplated in this amendment are compatible with the surrounding land uses anticipated in the *Reuse Plan* and subsequent amendments. The amendment permits a mix of uses including residential, commercial, retail and office uses in the Barker Circle Parcel and these uses are consistent with the uses contemplated of the *Reuse Plan*. The proposed land use changes to expand mixed-use opportunities in Barker Circle also supports the Oceanport Town Center concept as envisioned in the master plan. Additionally, proposed land use is consistent with the planned mixed-use development of the 400 Area across the Oceanport Avenue.

Similarly, the amendment permits offer a *diverse* range of *housing* types in the Nurses Quarters Parcel. In addition to providing housing opportunities to the local residents and as a result of the proposed amendment, the housing development in the Nurses Quarters Parcel will also provide housing opportunities in close proximity for the employee of Beacon of Life Pace Program and future end-users of the Commissary campus redevelopment area. Thus, the proposed amendment will also promote a live-work environment within the Fort area.

Circulation

The amendment does not propose any changes to the roadway network system for both Barker Circle and Nurses Quarters parcels, as such the proposed amendment consistent with the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*. Nor would The amendment adversely impact any of the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*. All the planned streets, pedestrian, and transit plans would not be affected by the proposed amendment.

2. Open Space

The amendment does not impact any active recreation or open space contemplated in the *Reuse Plan*. The proposed development encourages a mix of uses, including residential, office and retail uses for adaptive reuse of the buildings in the Barker Circle allowing the area along Oceanport Creek to remain as open space for passive recreational opportunities.

Similarly, in the Nurses Quarters Parcel, existing buildings will be adaptively reused, and new townhomes would be aligned along Main Street which will allowing creation of an adequate open space in the parcel for some passive recreational opportunities.

3. Sustainability

This amendment would not preclude incorporation of any of the sustainability measures outlined in the *Reuse Plan*. Specifically, the reuse of the Buildings 1077 & 1078 and the historic buildings in the Barker Circle Parcel would further the *Reuse Plan's* green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure.

4. Infrastructure

As indicated in the *Reuse Plan*, impacts on the existing gas, electric, water, wastewater and telephone utilities servicing Fort Monmouth will have to be evaluated at site plan review for a specific project. This assessment is unaffected by the amendment.

5. Traffic

The amendment permits the adaptive reuse of the buildings in the Barker Circle for up to +/- 45,935 sq. ft. office, commercial and retail uses and 75 residential units. There will not be any increase of building square footage in the parcel other than what already exists. Therefore, the proposed uses within this amendment will not generate significant additional traffic other than what has already been anticipated in the *Reuse Plan*.

Though a small increase in the number of trips is anticipated from the Nurses Quarters as a result of additional residential units, such an increase is unlikely to create any detrimental impact on the traffic & circulation in the area.

Therefore, the existing road network system as contemplated in the *Reuse Plan* is expected to accommodate any additional traffic generated from the Barker Circle Parcel and the Nurses Quarters Parcel. A detailed traffic analysis would be prepared as part of any site plan review related to the reuse and/or development of these parcels. Any necessary traffic mitigation would be addressed at that time.

6. Environmental Issues

The Barker Circle and the Nurses Quarters parcels are located in the CAFRA zone and could trigger a CAFRA permitting action. There are also tidelands claims against the Barker Circle parcel. Coastal wetlands are found along the southern boundary of the Barker Circle parcel. Encroachment and/or disturbance of said wetlands, to include associated buffer zones, would trigger a permitting requirement with the NJDEP and any environmentally constrained areas within the land area associated with this amendment would be preserved and protected accordingly.

7. Historic Preservation

None of the buildings in the Nurses Quarters parcel affected by the proposed amendment are listed in State or National Registers of Historic Places. However, all seven buildings - Buildings 205, 206, 207,

208, 287, 275 282 in the Barker Circle parcel are listed as contributing resources on the State and National Registers of Historic Places and are subject to historic preservation covenants. As such all seven buildings in the parcel will be adaptively used and preserved as per the guidelines of the State Historic Preservation Office (SHPO). Therefore, the amendment will not impact historic resources required for preservation according to the Programmatic Agreement between the SHPO and FMERA.

8. Community Impacts and Affordable Housing

As noted in the *Reuse Plan*, the host communities, including Oceanport, rely on taxation for the largest portion of their municipal revenues. The Fort's closure and the resulting loss of the Fort's workforce is expected to result in a larger share of the tax burden falling to residential property owners. The potential offered by this amendment to increase non-residential tax revenues would lessen the burden on local residents.

The commercial, retail, and office uses contemplated for the Barker Circle parcel in this amendment typically generate more positive fiscal impacts for a municipality, i.e., generate more tax revenues. Additionally, preservation of the historic building would further enhance the Fort's historic character creating a positive impact in the community.

The amendment permits up to 75 residential for the Barker Circles Parcel of which 15 units will be affordable units. Similarly, the amendment permits up to 34 residential units for the Nurses Quarters Parcel of which 7 units will be affordable units. Since this amendment preserves the overall planned 720 residential units from the Reuse Plan, the impact on the community, and the affordable housing requirement remains unchanged.

b. Relationship to Objectives and Principles of the *Reuse Plan*

The amendment would fulfill the objectives and planning principles outlined in the *Reuse Plan*. Those planning objectives articulated in the *Reuse Plan* include the following:

1. Be consistent with State, County, and Municipal planning policies.
The amendment is consistent with State, County, and Municipal planning policies, as set forth in the ensuing chapter.
2. Focus on business retention and attraction, job replacement, and employee training.
This amendment would provide for increased flexibility to aid FMERA in its efforts to attract suitable businesses that wish to relocate to Fort Monmouth and that have the potential to replace jobs lost when the Fort closed.
3. Be founded on market and economic analysis.
This amendment responds to the marketplace by permitting an alternative development scenario designed to attract a mix of retail, commercial, office and residential uses to the Oceanport Reuse Area.

4. Leverage Fort assets (people, infrastructure, location).

The amendment affords FMERA with an opportunity to leverage existing assets through the Reuse of the Building 1077 and 1079 in the Nurses Quarters parcel and the adaptive reuse of the historic buildings in the Barker Circle parcel to attract new residential and non-residential uses that generate much-needed local employment and tax revenues.

5. Be a green community model.

The adaptive reuse of the historic buildings in the Barker Circle Parcel and reuse of the buildings in the Nurses Quarters Parcel with surrounding redevelopments further the sustainability goals set forth in the Reuse Plan. Additionally, the Barker Circle parcel will include a wetlands preservation park along the southern boundary which will provide recreational opportunities and contributes towards health & wellbeing of the residents.

The amendment further advances a number of key planning principles from which the overall concepts in the *Reuse Plan* were devised:

Principle #1: Decreasing Density West to East & Creating Mixed-Use Live/Work/Leisure Centers. The amendment contemplates a mix of residential and non-residential uses in existing and new buildings in a manner that promotes these planning principles.

Principle #2: Link centers & increase mobility with connected transit infrastructure serving the region and the Fort. The amendment does not preclude the potential to create an extensive system of bikeways, pedestrian trails and sidewalks as envisioned in the *Reuse Plan*.

Principle #3: Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements. This amendment does not preclude the enhancement of auto mobility and redevelopment capacity with targeted roadway infrastructure improvements as set forth in the *Reuse Plan*.

Principle #4: Combine open space, habitat, and water resources to establish a continuous Blue – Green belt. The amendment does not preclude the creation of an open space network consisting of environmentally sensitive areas, including wetlands, watercourses, and habitats. The amendment promotes green roof and other low impact development strategies that will further improve the natural environment of the Fort area.

Principle #5: Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort. The amendment would not preclude the development of the bike path or trails envisioned as part of the *Reuse Plan*.

Principle #6: Remove Fort boundaries & extend existing land uses to reconnect the Fort to the communities. The proposed amendment encourages a well-connected campus within

the proposed development area as well as creates opportunities to build strong connection between the local community and the Fort Area both physically and economically. Further, the amendment would not preclude any gates into the Fort, nor inhibit public access to the Fort's amenities.

Principle #7: Leverage existing Fort Monmouth assets (People, Buildings, Technology, and Infrastructure). The amendment affords FMERA with an opportunity to leverage existing assets of the Oceanport Reuse Area, i.e., reuse of the buildings in the Barker Circle Parcel to attract new office, commercial retail and residential development and reuse and new construction of the residential units in the Nurses Quarters parcel that would generate much-needed local employment and tax revenues. The amendment would not involve the removal of any buildings identified in the *Reuse Plan* as being required for preservation.

In summary, the amendment is consistent with the *Reuse Plan* elements, objectives and planning principles.

a. Relationship to FMERA Directive

To implement the *Fort Monmouth Reuse and Redevelopment Plan*, the New Jersey State legislature empowered the Fort Monmouth Economic Revitalization Authority (FMERA) to adopt any modifications or amendments to the *Reuse Plan* and adopt development and design guidelines and land use regulations to implement the plan. Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:271-18 et. seq.), FMERA's purpose is the following:

to oversee, administer, and implement the [Reuse Plan] as provided in this act, in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; to conserve the natural resources of the State; to provide housing, including housing to address identified needs related to homelessness; and to advance the general prosperity and economic welfare of the people in the host municipalities, the county, and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

The *Reuse Plan* amendment would advance both FMERA's stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment and economic development, and it would advance the public welfare by furthering the adaptive reuse of an existing facility and roadway network at the Fort.

b. Relationship to FMERA's Land Use Rules

This amendment creates alternative development scenario and creates an overlay zone superseding some provisions of FMERA's Land Use Rules. In all situations where zoning issues and bulk standards are not specifically addressed herein, the FMERA's Land Use Rules, however, shall remain in effect.

VI. Relationship to State, County and Municipal Planning Objectives

a. State Development and Redevelopment Plan (SDRP)

On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the Oceanport Reuse Area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas that "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The amendment is well-reconciled with the guiding policies and policy objectives of the adopted SDRP for the Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for the PA-1, the amendment promotes the type of redevelopment needed to transform this area of the Oceanport Reuse Area, into a vibrant, mixed- use community with compact development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. Also, in accordance with the objectives for PA-1, the amendment allows for redevelopment in a location well served by existing transportation networks, which is consistent with the plans for the Oceanport Reuse Area.

b. Monmouth County Open Space Plan

The Monmouth County Open Space Plan, adopted by the Monmouth County Planning Board in August 2006 as an element of the Monmouth County Growth Management Guide, specifically advocates the acquisition of a portion of the Fort Monmouth property as a new County park site. To fulfill this acquisition, Monmouth County filed a Notice of Interest for park and recreation lands within Fort Monmouth. The County subsequently filed an application to the National Park Service's Federal Lands to Park Program for a Public Benefit Conveyance, which was endorsed by the three host municipalities of Eatontown, Oceanport and Tinton Falls. This amendment is not inconsistent with the County's goals for open space in the Oceanport Reuse Area.

c. Fort to Village Plan: A Vision for Oceanport's Fort Monmouth

Although the development of the former Fort properties in Oceanport will be governed by the land use regulations and design guidelines adopted by FMERA, as a point of information, the former Fort properties in Oceanport are included within the "master plan" for Fort Monmouth, i.e., the *Reuse and Redevelopment Plan*. However, a vision for the redevelopment of the fort is provided in ***Fort to Village***

Plan: A Vision for Oceanport's Fort Monmouth. This document was incorporated as an amendment to the Master Plan which was adopted by the Oceanport Planning Board on April 23, 2008.

The Fort to Village Plan call for the redevelopment of the historic buildings in the Barker Circle Parcel to include single family and student housing which would be located within the walking distance of other retail and restaurant opportunities in the Oceanport Village Center. Along with Amendment #6, the proposed amendment permits a mix of market rate and affordable housing opportunities in the Barker Circle Parcel. The Fort Plan further contemplates the creation of passive recreational opportunities with pathways along Oceanport Creek and Parker's Creek. As a result of the proposed amendment, land area abutting Oceanport Creek will be used for parks and passive recreation. As such the amendment is well aligned with the goals identified in the Fort to Village Plan.

The Fort to Village Plan calls for the area surrounding the Patterson Medical Center Area, presently Beacon of Life Pace Program-an adult care facility area, to be zoned for mixed-use medical office park uses, schools, and residential uses to allow townhouses. The Nurses Quarter Parcel is in close proximity to the Beacon of Life Pace Program- adult care facility area. The amendment permits residential opportunities to support surrounding land uses which is generally consistent with the uses contemplated for the area in the Fort to Village Plan.

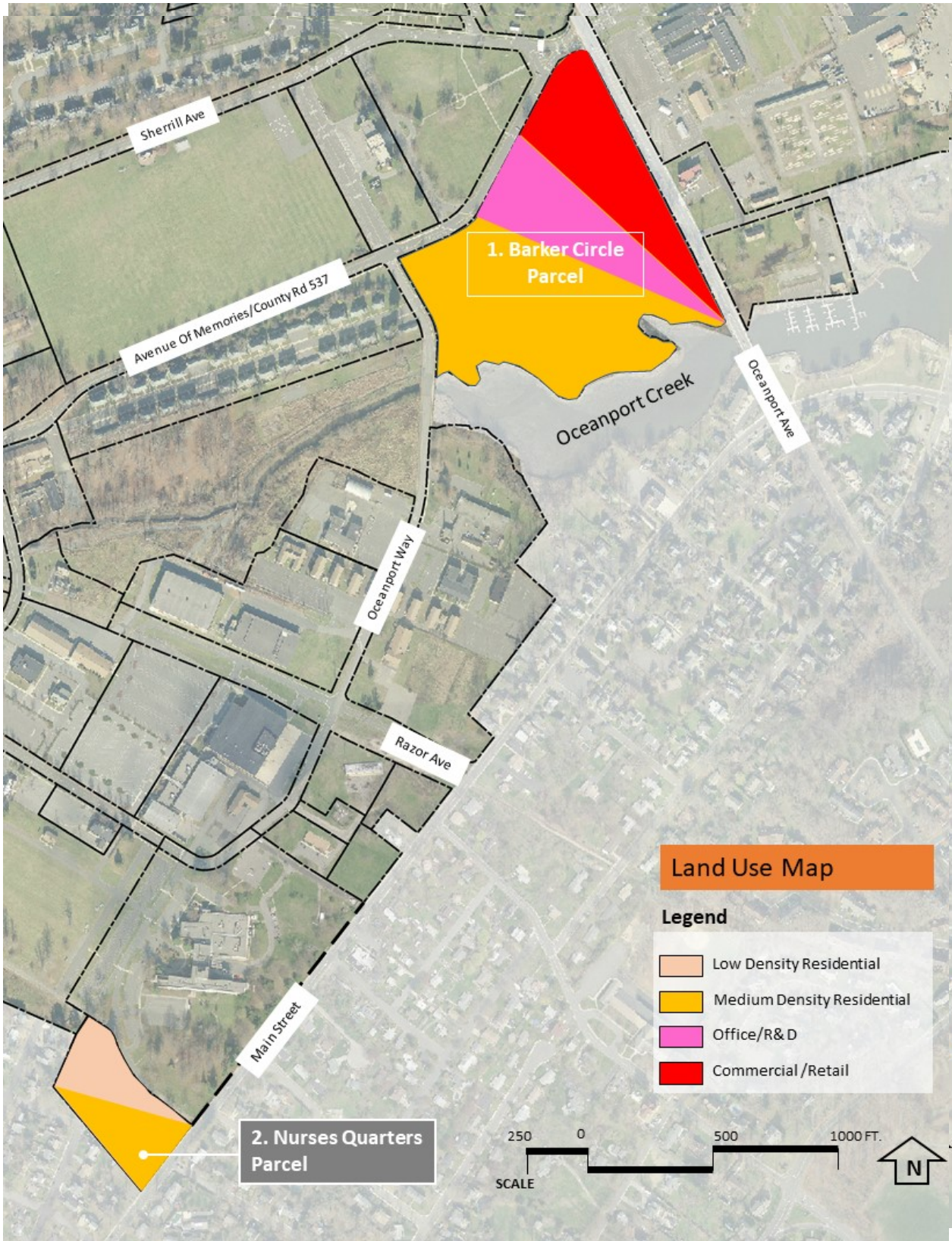
d. Oceanport Zoning

The area affected by the proposed amendment lies within the Borough's R-1: Single-Family Residential District under the municipality's current zone plan. This designation permits single-family detached dwellings, parks and playgrounds, municipal buildings, libraries and public schools. The minimum lot size is 30,000 square feet, the maximum height is two stories, or thirty-five feet and the maximum density is 1.5 dwelling units per acre. The *Reuse Plan* and Land Use Rules, however supersedes the Oceanport Zoning.

VI. Conclusion

The subject amendment, referred to as Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan, maintains the land use concepts and plans articulated in the Reuse Plan. However, the amendment permits alternative development scenarios for the Oceanport Reuse Area.

This amendment is consistent with the objectives and principles in the Reuse Plan, as well as State, County and Municipal planning objectives. Furthermore, the amendment advances the public welfare, particularly with regard to promoting, developing, encouraging and maintaining employment. The amendment provides flexibility for FMERA to more effectively attract potential residential and non-residential uses to the Oceanport Reuse Area, thereby enabling it to fulfill its statutory mandate to create new jobs, regenerate the local tax base and advance the general prosperity and welfare of the people most impacted by the Fort's closure.



ADOPTED
September 25, 2020

**Resolution Regarding
Approval of an Agreement with New Jersey American Water Company to install new water mains on the
Main Post**

WHEREAS, the water mains which service the Main Post of Fort Monmouth are outdated and not suitable for future water usage requirements, and, therefore, new mains must be installed to provide potable water service for current and future property owners. Further, the Purchase and Sale & Redevelopment Agreements ("PSARAs") for the Commissary & PX Complex, the Warehouse District & Post Office Area and future development require that FMERA provide water service at or near the property borders; and

WHEREAS, in June 2018, the Board approved an interagency agreement between FMERA and the Borough of Eatontown to contract for the Borough's Engineer to design the water mains for Phases II and III (A & B), which will serve both sold properties and prospective purchasers on the Main Post. Phase 3A specifically serves the Commissary & PX Complex, the Warehouse District & Post Office Area and future development; and

WHEREAS, the Borough's Engineer prepared plans and a scope of work (the "Plans") for the Phase 3A, and these Plans included surveying services, field reconnaissance, test pits, certification applications for Soil and Erosion Control, typical NJDOT Lane Closure Plans, and NJDOT Permit Application for Utility Opening (MT17A); and

WHEREAS, upon receipt of the plans for Phase 3A, FMERA prepared the application for the proposed new water main construction. However, in order to submit the plan to NJAW along with an Extension Deposit Agreement ("EDA") and an Amendment to the EDA, FMERA must receive Board approval to also transmit the required \$10,000 deposit and ultimately make an estimated payment of Four Hundred and Fifty Thousand Seven Hundred and Eighty-Two Dollars and Fourteen Cents (\$450,782.14) ("Initial Estimate") for the full balance of the estimate cost for the project; and

WHEREAS, upon Board approval and after the ten-day Governor's veto period, FMERA will provide the \$10,000 deposit, EDA and EDA Amendment to NJAW and NJAW will put the proposed new water main construction out to bid in order to facilitate the construction and installation of the water main to serve the Commissary & PX Complex, the Warehouse District & Post Office Area and future developments; and

WHEREAS, once bids are received, NJAW will amend its Initial Estimate to a Revised Estimated, reflecting the price of the winning submission; and

WHEREAS, staff requests that the Board authorize the payment of the \$10,000 deposit and the anticipated full balance of the Initial Estimate for the project, and staff further recommends that the Board approve the use of delegated authority to make additional payments up to 20% of the total Initial Estimate should the Revised Estimate or later cost over-runs exceed the Initial estimate; and

WHEREAS, FMERA anticipates a contribution for a portion of the costs of the water main under an existing Purchase and Sale and Redevelopment Agreement ("PSARA") for an estimated \$338,085.00. The Purchaser is expected to close by September 30, 2020, or should the Reinstated PSARA be amended by mid-October; and

WHEREAS, NJAW's standard form of agreement is attached. The agreement will be amended by the attached amendment to clarify the following terms: (1) The only physical work required as a condition of the agreement is the markout locations and cut and cap existing pipes. All other physical work will be done at a later time at FMERA's discretion; (2) Any additional over-run costs beyond the 20% approved by the Board will

require FMERA Board approval. The final terms of the agreement are subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

WHEREAS, the attached NJAW EDA for Phase 3A and the Amendment to the EDA are in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval; and

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached agreement, an agreement with New Jersey American Water Company to install new water service on the Main Post to service the Commissary & PX Complex, the Warehouse District & Post Office Area and future development at an estimated total upfront cost to FMERA of \$450,782.14.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Dated: September 25, 2020

EXHIBIT 6

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Agreement with New Jersey American Water Company to install new water mains on the Main Post

DATE: September 25, 2020

Request

I am requesting that the Board approve an agreement with New Jersey American Water Company (“NJAW”) to install new water service on the Main Post to service the Commissary & PX Complex, the Warehouse District & Post Office Area and future development at a total cost estimated to be \$450,782.14.

Background

The water mains which service the Main Post of Fort Monmouth are outdated and not suitable for future water usage requirements. Therefore, new mains must be installed to provide potable water service for current and future property owners. Further, the Purchase and Sale & Redevelopment Agreement (“PSARA”) for the above properties requires that FMERA provide water service at or near the property borders.

In June 2018, the Board approved an interagency agreement between FMERA and the Borough of Eatontown to contract for the Borough’s Engineer to design the water mains for Phases II and III (A & B), which will serve both sold properties and prospective purchasers on the Main Post. Phase 3A specifically serves the Commissary & PX Complex, the Warehouse District & Post Office Area and future development. The Borough’s Engineer prepared plans and a scope of work (the “Plans”) for the Phase 3A. These Plans included surveying services, field reconnaissance, test pits, certification applications for Soil and Erosion Control, typical NJDOT Lane Closure Plans, and NJDOT Permit Application for Utility Opening (MT17A). Upon receipt of the plans for Phase 3A, FMERA prepared the application for the proposed new water main construction. However, in order to submit the plan to NJAW along with an Extension Deposit Agreement (“EDA”) and an Amendment to the EDA, FMERA must receive Board approval to also transmit the required \$10,000 deposit and ultimately make an estimated payment of Four Hundred and Fifty Thousand Seven Hundred and Eighty-Two Dollars and Fourteen Cents (\$450,782.14) (“Initial Estimate”) for the full balance of the estimate cost for the project.

Upon Board approval and after the ten-day Governor’s veto period, FMERA will provide the \$10,000 deposit, EDA and EDA Amendment to NJAW and NJAW will put the proposed new water main construction out to bid in order to facilitate the construction and installation of the water main to serve the Commissary & PX Complex, the Warehouse District & Post Office Area and future developments. Once bids are received, NJAW will amend its Initial Estimate to a Revised Estimate, reflecting the price of the winning submission. The timing of this payment is particularly critical as FMERA expects these projects to close this year. Therefore, staff requests that the Board authorize the payment of the \$10,000 deposit and the anticipated full balance of the Initial Estimate for the project.

Staff further recommends that the Board approve the use of delegated authority to make additional payments up to 20% of the total Initial Estimate should the Revised Estimate or later cost over-runs exceed the Initial estimate.

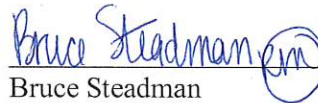
Additionally, FMERA anticipates a contribution for a portion of the costs of the water main under an existing Purchase and Sale and Redevelopment Agreement (“PSARA”). Under Section 47 of the Reinstated, Amended and Merged PSARA for the Commissary & PX Complex, the Warehouse District & Post Office Area (“Reinstated PSARA”), the Purchaser shall be responsible for contributing the cost of one-thousand, five hundred (1,500) linear feet of new water main to the Commissary & Complex, the Warehouse District & Post Office Area properties. The amount of the Purchaser’s contribution is estimated to be \$338,085.00. The Purchaser is expected to close by September 30, 2020, or should the Reinstated PSARA be amended by mid-October.

NJAW’s standard form of agreement is attached. The EDA will be amended by the attached amendment to clarify the following terms: (1) The only physical work required as a condition of the agreement is the markout locations and cut and cap existing pipes. All other physical work will be done at a later time at FMERA’s discretion; (2) Any additional over-run costs beyond the 20% approved by the Board will require FMERA Board approval. The final terms of the agreement are subject to the approval of FMERA’s Executive Director and the Attorney General’s Office.

The attached NJAW EDA for Phase 3A and the Amendment to the EDA are in substantially final form. The final terms of the amendment will be subject to the approval of FMERA’s Executive Director and the Attorney General’s Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board authorize the execution of an agreement with New Jersey American Water Company to install new water service on the Main Post to service the Commissary & PX Complex, the Warehouse District & Post Office Area and future development at an estimated total upfront cost to FMERA of \$450,782.14.

 _____
Bruce Steadman

Attachments: NJAW Deposit Agreement and Amendment
NJAW Cost Estimate
Prepared by: Kara Kopach & Jennifer Lepore

ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]



ADOPTED
September 25, 2020

Resolution Regarding

First Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport

WHEREAS, at the December 2017 meeting, staff recommended, and the Board approved the issuance of three separate Request for Offers to Purchase (“RFOTPs”) for the Commissary and PX, the Warehouse District, and the Post Office Area with the option to propose individual or interrelated projects on one or more parcels; and

WHEREAS, since all of these parcels were in close proximity to one another and to facilitate proposals of the highest and best use, the RFOTP scoring provided additional consideration to parties who proposed to purchase multiple parcels. Additionally, parties bidding on the Commissary & PX and/or the Warehouse District had the option of also bidding on the Parking Area and received additional scoring consideration over bidders on those parcels who elected not to bid on the Parking Area; and

WHEREAS, the PSARA for the Post Office and Warehouse Parcels between FMERA and OPort Partners, LLC (“OPort” or “Purchaser”) was approved by the Board at its July 17, 2019 (“Warehouse PSARA”) meeting and executed by FMERA and OPort on September 16, 2019; and

WHEREAS, the PSARA for the Commissary/PX and Parking Lot (“Commissary PSARA”) was approved by the Board at its November 13, 2019 meeting and executed by FMERA and OPort on February 5, 2020; and

WHEREAS at the June Board meeting, the Board approved the merger of the Post Office, Parking Lot and Commissary/PX parcels for one cohesive parcel to encompass Class A office space which can support both general and food related research uses and flex space as ancillary related product storage and distribution in support of other primary uses. The merger also serves as a support to the Commissary space, which shall serve as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. This merger simplifies land use planning and land use compliance. In order to facilitate the merger, timelines including Due Diligence, Approval Period, Reuse Plan Amendment, and Closing between the Warehouse and Commissary Parcels were aligned within this amendment; and

WHEREAS, the Purchase Price was reduced to a total of Four Million Three Hundred Fifty Thousand Dollars (\$4,350,000.00) in exchange for an expedited closing by September 30, 2020 in which OPort has agreed to close without receiving All Approvals to allow FMERA to meet its financial obligations for 2020. If Purchaser did not close by September 30, 2020, OPort must pay the original Purchase Price of Four Million Nine Hundred and Fifty Thousand (\$4,950,000.00) dollars. The reduced purchase price remains above the required minimum bids threshold as required under the RFOTPs; and

WHEREAS, due to recent unforeseen items in the closing process, OPort has asked for an extension to the Closing date of September 30, 2020 while still allowing Purchaser to receive the Purchase Price reduction for waiving All Approvals and an early closing on the Property. OPort now seeks an extension of this timeline to October 20, 2020; and

WHEREAS, the attached Amendment to the Reinstated, Amended and Merged PSARA includes the following revisions to material terms: In the event that the Purchaser exercises Purchaser’s option to waive the Approvals Period and proceed to Closing on or before October 20, 2020 pursuant to Sections 8(c)(i), the Purchase Price shall be reduced to a total of Four Million Three Hundred Fifty Thousand Dollars (\$4,350,000.00); and

WHEREAS, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Amendment to the Reinstated, Amended and Merged PSARA was transmitted to the Real Estate Committee

on September 22, 2020 and is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director, OPort Partner, LLC and the Attorney General's Office. The Real Estate Committee approved the request on September 23, 2020 and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the First Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: September 25, 2020

EXHIBIT 7

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: First Amendment to the Reinstated Amended and Merged Purchase and Sale Agreement & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport

DATE: September 25, 2020

Request

I am requesting that the Board approve this Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement (“PSARA”) with OPort Partners, LLC (“OPort” or “Purchaser”), for the Warehouse, Post Office, Commissary/PX & the Parking Lot in the Oceanport section of Fort Monmouth.

Background

1. Requests for Offers to Purchase (“RFOTP”)

At the December 2017 meeting, staff recommended, and the Board approved the issuance of three separate RFOTPs -- for the Commissary and PX, the Warehouse District, and the Post Office Area – with the option to propose individual or interrelated projects on one or more parcels.

Since all of these parcels were in close proximity to one another and to facilitate proposals of the highest and best use, the RFOTP scoring provided additional consideration to parties who proposed to purchase multiple parcels. Additionally, parties bidding on the Commissary & PX and/or the Warehouse District had the option of also bidding on the Parking Area and received additional scoring consideration over bidders on those parcels who elected not to bid on the Parking Area.

FMERA received five (5) proposals for the Commissary and PX Parcels, four (4) proposals for the Post Office Area and five (5) proposals for the Warehouse District in response to its May 8, 2018 Requests for Offers to Purchase (RFOTP). Following the evaluation and scoring process, OPort was selected as the highest-scoring potential Purchaser of two of the three parcels, the Warehouse District and the Post Office Area. Although OPort included an offer for the 1000 Area Parking, the Commissary & PX Complex, another proposer scored highest in conjunction with its proposed use for the Commissary & PX Complex. Therefore, the evaluation committee recommended proceeding with negotiations with OPort for a PSARA for the Warehouse and Post Office Parcels only. The PSARA for the Post Office and Warehouse Parcels was approved by the Board at its July 17, 2019 (“Warehouse PSARA”) meeting and executed by FMERA and OPort on September 16, 2019.

Warehouse PSARA

Under the terms of the Warehouse PSARA, Purchaser proposed to demolish all of the existing buildings and use the Warehouse Parcel for Class A office buildouts, and Post Office for additional Class A office buildouts. Purchaser was to pay One million nine hundred and fifty thousand (\$1,950,000.00) dollars for the property and invest a total of thirty-one million four hundred and forty-three thousand and seven hundred and fifty (\$31,443,750) dollars into the Project. Twelve million nine hundred thousand (\$12,900,000.00) dollars as the Post Office Area and eighteen million five hundred and forty-three thousand and seven hundred and fifty (\$18,543,750.00) dollars as to the Warehouse

District. OPort was provided a sixty-day Due Diligence period commencing on the effective date of the PSARA and had thirty days to apply and diligently pursue approvals following the later to the occur of the final and non-appealable amendment to the Reuse Plan or completion of Due Diligence. Its Approval period was for fourteen months with an optional six-month extension. The Project was to be completed within eighteen (18) months after completion of demolition and site work not to exceed twenty-two (22) months after closing on the Property. Closing(s) on the Property shall occur within thirty (30) days after satisfaction or waiver of the Conditions Precedent to Closing. Conditions precedent to Closing include OPort obtaining or waiving All Approvals within the Approval Period necessary to develop the Project; an amendment to the Reuse Plan to accommodate the Project; FMERA obtaining title and a FOST to Parcels 57; and the consent of the NJEDA Board. Purchaser was to have thirty (30) days to apply and diligently pursue approvals following the later to occur of the final and non-appealable amendment to the Reuse Plan or completion of Due Diligence. OPort estimated that it will create approximately four hundred thirty nine (439) part-time and/or full-time permanent jobs within twenty-four (24) months of project completion or pay a penalty of \$1,500 per permanent job not created. OPort is responsible for funding a total of one thousand (1000') linear feet of new water main and one thousand (1000') linear feet of new sewer main along Razor and Anson Avenues, or in such other off-site location as directed by FMERA. Abutting developers will be obligated to install or fund additional water and sewer infrastructure to complete the connection of the Property to off-site public utilities. Purchaser will also be responsible for running new electrical distribution lines from the Property to an upgraded JCP&L substation following FMERA's conveyance of the abutting electric substation to JCP&L at a future date.

Commissary PSARA

On October 11, 2019, the highest-scoring potential Purchaser for the Commissary and PX Parcels and 1000 Area Parking terminated its negotiations for the Commissary and PX Parcels and 1000 Area Parking. As OPort was the second highest score, FMERA initiated negotiations with OPort for these parcels. The PSARA for the Commissary/PX and Parking Lot ("Commissary PSARA") was approved by the Board at its November 13, 2019 meeting and executed by FMERA and OPort on February 5, 2020.

Under the terms of the Commissary PSARA, Purchaser proposed to reuse the remaining Commissary building for a commercial building and to demolish all the remaining buildings. The site would ultimately serve as an enrichment center incorporating a provision for food service, a culinary school, crafts production, arts adaption, etc., Purchaser was to pay three million (\$3,000,000.00) dollars for the property and invest a total of twenty-three million (\$23,000,000.00) dollars into the Project. OPort was provided a sixty-day Due Diligence period commencing on the effective date of the PSARA and had two additional thirty (30) day due diligence extensions. Its Approval period was for fourteen months with an optional six-month extension. The Project was to be completed twenty-seven (27) months after closing on the Property. Closing(s) on the Property was to occur within thirty (30) days after satisfaction or waiver of the Conditions Precedent to Closing. Conditions precedent to Closing include OPort obtaining or waiving All Approvals within the Approval Period necessary to develop the Project; an amendment to the Reuse Plan to accommodate the Project; FMERA obtaining title and a FOST to Parcels 55, 57, 64, and 65; and the consent of the NJEDA Board. The parties would endeavor to satisfy these contingencies prior to the expiration of Purchaser's Approval Period. Purchaser was to have thirty (30) days to apply and diligently pursue approvals following the later to occur of the final and non-appealable amendment to the Reuse Plan or completion of Due Diligence. OPort estimated that it will create approximately three hundred eleven (311) part-time and/or full-time permanent jobs within twenty-four (24) months of project completion or pay a penalty of \$1,500 per permanent job not created. OPort will also be responsible for funding a total of five hundred (500') linear feet of new water main and five hundred (500') linear feet of new sewer main along Razor and Anson Avenues, or in such other off-site location as directed by FMERA. Abutting developers will be obligated to install or fund additional water and sewer infrastructure to complete the connection of the Property to off-site public utilities. Purchaser will also be responsible for running new electrical distribution lines from the Property to an upgraded JCP&L substation following FMERA's conveyance of the abutting electric substation to JCP&L at a future date.

Reinstated Amended and Merged Warehouse PSARA and Commissary PSARA

At the June Board meeting, the Board approved the merger of the Post Office, Parking Lot and Commissary/PX parcels for one cohesive parcel to encompass Class A office space which can support both general and food related research uses and flex space as ancillary related product storage and distribution in support of other primary uses.

The merger also serves as a support to the Commissary space, which shall serve as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. This merger simplifies land use planning and land use compliance. In order to facilitate the merger, timelines including Due Diligence, Approval Period, Reuse Plan Amendment, and Closing between the Warehouse and Commissary Parcels were aligned within this amendment.

The Purchase Price was reduced in exchange for an expedited closing by September 30, 2020 in which OPort has agreed to close without receiving All Approvals to allow FMERA to meet its financial obligations for 2020. If Purchaser did not close by September 30, 2020, OPort must pay the original Purchase Price of Four Million Nine Hundred and Fifty Thousand (\$4,950,000.00) dollars. The reduced purchase price remains above the required minimum bids threshold as required under the RFOTPs.

The PSARA was also Reinstated as Purchaser had conditionally terminated the Warehouse PSARA by letter dated April 22, 2020 and the Commissary PSARA by letter dated June 5, 2020 with the hope that FMERA would provide an extension to the Due Diligence Period to completed additional environmental testing and building inspection. FMERA agreed to both extensions as OPort was working in good faith during the Due Diligence Period and was entitled to additional time to investigate the site.

Due to recent unforeseen items in the closing process, OPort has asked for an extension to the Closing date of September 30, 2020 while still allowing Purchaser to receive the Purchase Price reduction for waiving All Approvals and an early closing on the Property. Under the Reinstated Amendment and Merger to the Purchase and Sale and Redevelopment Agreement, in the event that the Purchaser exercises Purchaser's option to waive the Approvals Period and proceed to Closing on or before September 30, 2020 pursuant to Sections 8(c)(i), the Purchase Price shall be reduced to a total of Four Million Three Hundred Fifty Thousand Dollars (\$4,350,000.00). OPort now seeks an extension of this timeline to October 20, 2020.

Amendment to the Reinstated, Amended and Merged Purchase and Sale & Redevelopment Agreement

The attached Amendment to the Reinstated, Amended and Merged PSARA includes the following revisions to material terms:

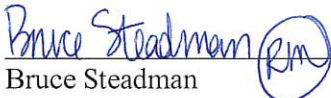
1. Purchase Price. In the event that the Purchaser exercise Purchaser's option to waive the Approvals Period and proceed to Closing on or before October 20, 2020 pursuant to Sections 8(c)(i), the Purchase Price shall be reduced to a total of Four Million Three Hundred Fifty Thousand Dollars (\$4,350,000.00).

All other material terms of the PSARA as presented to the Board will remain unchanged.

The attached Amendment to the Reinstated, Amended and Merged PSARA was transmitted to the Real Estate Committee on September 22, 2020 and is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director, OPort Partner, LLC and the Attorney General's Office. The Real Estate Committee approved the request on September 23, 2020 and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board approve the Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport.


Bruce Steadman

Attachment: First Amendment to the Purchase and Sale & Redevelopment Agreement
Prepared by: Kara Kopach

ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]

